

Covid-19 Vaccination Rights and Obligations in Indonesia from a Legal Perspective

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Abstract

Indonesia declares a state of emergency due to Pandemic Covid-19. Indonesia declared a state of health emergency in 2020 via Presidential Decree No. 11. Numerous measures have been undertaken to mitigate the consequences of the Covid-19 epidemic. Vaccination is one of the government's attempts. However, in the prosocivity of vaccination-related benefits and drawbacks. Numerous individuals refused to be vaccinated. This research is legal in nature and is doctrinal in nature. It employs a conceptual method and a legislative approach (statue approach) to the handling of Pandemic Covid-19 in Indonesia. The study's findings show that immunizations are provided free of charge, which, while initially a right of each citizen, may become a responsibility in light of Indonesia's present state of health emergency. This is possible because an individual who is not vaccinated has the ability to transfer the disease to others.

Keywords

Vaccination; human rights; society; responsibility



I. Introduction

Indonesian law is critical in a variety of spheres of society and state life. One of them is in health; health is a human right and a component of welfare that must be realized in accordance with the Indonesian nation's objectives as articulated in Pancasila and the Republic of Indonesia in 1945. To achieve the ideal level of health for each person who is a part of the welfare system, legal support for organizing in the health sector is required. The right to optimal health degrees will be a more compelling argument if it is justified in terms of the right to life, entitled to a comparable life, and the right to optimal health degrees (El-Muthtaj, 2009).

At the moment, this new form of virus outbreak has spread over the world, causing Corona Virus Disease 2019 or Covid-19 (www.prudential.co.id 2021). The World Health Organization (WHO) Press Conference 2021 establishes the Covid-19 plague or Corona virus (SARSCoV-2) to become a global pandemic. The increase in this status was announced directly by the Director General of WHO Tedros Ghebreyesus in Geneva, Switzerland on March 11 2020. Determination of the status of this pandemic was caused by a deployment that was so fast and broad to the region far from the center of the plague. Numerous government efforts have been made and will continue to be made to expedite the response to the Covid-19 outbreak. Today, one of the government's initiatives is the Covid-19 vaccine program (www.pom.go.id 2021). Through the Rule of the Minister of Health of the Republic of Indonesia No. 10 of 2021 on the Implementation of Vaccination in the Context of the Corona Pandemic Corona Virus Disease 2019, the Indonesian government established a reference regulation (Covid-19).

Numerous investigations are being conducted in the context of developing vaccines and medications to combat the Covid-19 pandemic in various worlds (Gandryani and Hadi, 2021). In terms of vaccines, there have been a variety of brand-name vaccines developed for Covid-19. Indonesia utilizes a variety of vaccine brands when it comes to handling Covid-19 in the country. The facts are as follows: 3 million doses have arrived in the country (as of January 6, 2021), plus 122.5 million more Sinovac doses; 50 million doses from Novavax; 54 million doses from Covax / Gavi; and 50 million doses from Astrazeneca. And 50 million doses of vaccinations from Pfizer. The total number of doses of Covid-19 vaccine ordered was 329.5 million.

The Ministry of Health Regulations have regulated mandatory vaccination for the people who have been designated as the target of the Covid-19 vaccine receiver. Article 14 The Ministry of Health regulations regulate that everyone who has been determined as the target of the recipient of the Covid-19 vaccine based on data collection as referred to in Article 13 must follow the Covid-19 vaccination in accordance with the provisions of legislation (Kristian, 2021).

However, it must be remembered that there are still numerous advantages and disadvantages / divergences in public opinions regarding vaccination implementation in Indonesia (Indonesia Healthcare Forum, 2021). Numerous parties questioned whether vaccination is a right or an obligation for the community. The government, through the Deputy Minister of Law and Human Rights, stated that immunization against Covid-19 was part of all people' responsibilities to ensure public health. However, a number of human rights activists have said unequivocally that refusing the vaccine was a violation of human rights (www.law-justice.co 2021).

Thus, some vaccine opponents contend that requiring vaccination is a kind of coercion and a violation of human rights (HAM). Additionally, it is regarded a violation of integrity against the body of a person who is protected by Health Law No. 36 of 2009 (Aqsa, 2021). Whereas the majority of medical professionals and the WHO feel that this vaccination is an efficient means of preventing and limiting the spread of Covid-19 infections, as well as breaking the chain of transmission (Syabriansyah, 2021).

On the basis of the foregoing, this essay will analyze whether vaccination is beneficial to the community or business in Indonesia, and whether Covid-19 immunization is a right or obligation for the Indonesian people.

II. Research Methods

Regardless of the outcome of the preceding argument, this paper will describe the approaches taken in the process of developing normative law. The word normative legal research originates in English, where it is spelled normative legal research, and in Dutch, where it is spelled normative *juridisch onderzoek*. Normative legal research, also known as doctrinal legal research, dogmatic legal research, or legistically as legal research in the *Anglo America* literature, is an internal investigation into a legal discipline (Muhaimin, 2020). It is a study of the type known as Doctrinal Research, which involves systematic exposure to regulations governing specific legal categories, analyzing relationships between regulations, explaining areas of difficulty, and even forecasting future developments of the research which provides a systematic exposition of the rules governing a particular legal category, analyses the relationship between rules, explains areas of difficulty and, perhaps, predicts future developments (Hutchinson and Duncan, 2008). This study takes a conceptual approach (conceptual approach) and a legislative

approach (statute approach) to the treatment of Pandemic Covid-19 in Indonesia (Muhaimin, 2020).

Collection of legal materials gained through library studies, including fundamental legal materials (laws and regulations with their treatises) and secondary legal materials (books, journals, articles, and the like). All current legal resources are selected, described, and studied, and then linked to new laws formulated in a systematic manner for each subject field (Muhaimin, 2020). After organizing and classifying all legal sources, the process of interpretation or interpretation is used to examine the problems in this study. This study employs grammatical interpretation, systematic interpretation, historical interpretation, and sociological interpretation methodologies (Muhaimin, 2020).

III. Results and Discussion

3.1 Vaccination in Indonesia for the Community's or Business' Benefit

The Indonesian government is currently under fire for its handling of Covid 19, and it has reached the point of purchasing this Covid-9 vaccination. Because the strategy was implemented in haste and without empirical evidence of additional effective vaccines, it was also apparent that there was a desire to gain economic profits by imposing the use of this product through the use of governmental authority and interests (Akbar, 2021). With the presence of the Covid-19 epidemic, it appears as though a heavy hand is slapping the establishments of numerous countries. According to international organizations, Covid 19 will be the catalyst for a global recession (Inman, 2020). With the government's more harsh policy for containing the development of Covid-19, which remains endemic to this day, one of the strategies is a community vaccine recovery. Through Minister of Health Rule Number 10 of 2021 about the Implementation of Immunization in the Context of Pandemic Corona Virus Disease 2019, the government issued a reference regulation for the Covid-19 vaccination (Covid-19).

To achieve "Herd Immunity" and reduce Covid-19 mortality, vaccination is a very important step. The Assembly of Expert Association of Indonesian Community Health Expert, Dr. Sumarjati Arjoso, said that vaccination is an effective and efficient way to increase immunity and prevent transmission of disease. However, vaccination must be carried out carefully because it must ensure safety and its effectiveness / benefit (Indonesia For Global Justice, 2020).

The Ministry of Health's regulatory standards categorize vaccine implementation into two categories: program vacation and mutual collaboration vaccination. According to Article 1 of the Minister of Health's Regulation No. 10 of 2021, the vaccination of the program is the administration of vaccination to the public for which the government bears or charges the cost. While Gotong Royong Vaccination is the practice of administering vaccinations to employees/employees, families, and other family members whose costs are carried or imposed by the Legal Entity / Business Entity. The Ministry of Health mandates required immunization for members of the community designated as Sarasan who get the Covid-19 vaccine. Article 14 According to Ministry of Health regulations, everyone who has been identified as a target of the Covid-19 vaccine recipient based on data gathering as described in Article 13 must receive the Covid-19 vaccine in accordance with applicable legislation. Article 37 of the government also controls compensation in the event of post-vaccination complications, which are paid in the event of disability or death in the form of defect compensation or death compensation. Additionally, it is intended to assume legal responsibility for the Covid-19 vaccine provider in terms of post-vaccination occurrence.

Contradiction regarding vaccination programs and mutual cooperation vaccination provoking critical questions of Covid-19 vaccination for business interests or humanity. However, implied there is a consideration of the humanity in the reference regulation of the Covid-19 vaccination. In Article 3 paragraph (5) of the 10th Ministry of Health 10 years 2021 regulates that employees / employees, families and other individuals related to the family as recipients of the Covid-19 vaccine in the service vaccination of mutual cooperation as referred to in paragraph (3) is free of charge / free . The Ministry of Health regulations also do not accommodate the setting of paid independent insiatives.

When considered through the lens of political economy, Covid-19 vaccination is not simply a medicine or method for increasing immunity against Covid-19 transmission. Additionally, the Covid-19 vaccine is linked to the political and economic interests of a number of countries. It contained a country's market interests, control of power, and even hegemony. In other words, the 19 vaccination is aligned with the state's goals in terms of developing new wealth resources and increasing income. The existence of the 19 vaccination is likewise a sort of "conditioned power" as defined by Caporaso and Lavine. Because in this case, the state establishes power relationships with private entities (companies, capitalists, workers' organizations, and consumers) in order to produce and distribute the conditioned condition in an equitable manner. A conditioned condition is essentially a situation in the social order that functions in a way that satisfies the needs of some specific circles. And deceptive witchcraft from other circles, believing that the goals of those who profited aligned with their own (Akbar, 2021). Indonesia is mostly a consumer country. Even if Indonesia is included in the context of conditioning circumstances, this is mainly to ensure that the Covid-19 vaccine is approved and processed locally. The slices cannot classify the state as a producer, only as a distributor. Thus far, the government has continued to socialize in order for the Covid-19 vaccine to be extensively distributed and absorbed in order to be utilized more generally.

Conflict of interest can occur, in terms of direct appointment of business entities related to vaccine distribution, supporting equipment and logistics. Based on the Ministry of Health Regulation 10 of 2021, Article 17 paragraph (2) and Article 18 paragraph (2) of the Central Government, the Minister of Health received the authority to carry out the direct establishment. Direct appointment can be trapped in affiliate relations, conflicts of interest, which ultimately benefits certain groups.

Additionally, the community must be aware of potential deviations in how companies shift the burden of immunization rates to employees. Because the Minister of Health regulates the cost of mutual cooperation vaccination not only for employees, but also for family members and associated individuals within the family, companies can bear a significant burden in order to comply with mutual cooperation vaccination requirements. As a result, it may induce company activity that shifts the burden to employees, whether through pay deductions, benefits, or bonuses (Kristian, 2021). Regarding the Covid-19 vaccine, Honesti Basyir, President Director of *Bio Farma*, indicated that this did not necessarily mean that state-owned enterprises in the Ownership BUMN Pharmaceutical would engage in a 'vaccine business,' which connotes just a beneficial holding. Because *Bio Farma* is merely carrying out government responsibilities in procuring the Covid-19 vaccine. This does not result in a big profit margin for the corporation, as the government determines the number and price of vaccines that *Bio Farma* and other pharmaceutical state-owned enterprises may hold (CNN Indonesia 2021). According to Special Assistant to state-owned enterprise (BUMN) Minister Arya Sinulingga, this compensated vaccine was incorporated into the Gotong Royong Vaccination Program, which was previously reserved for firm personnel. Additionally, he stated that the government announced a

covid-19 immunization program with the primary purpose of accelerating herd immunity. This manner, Indonesia can quickly exit the Covid-19 epidemic (Kompas.Com 2021).

Faisal Basri, a senior economist, sharply opposed the government's choice to give cooperative vaccination for individuals or to charge for the Covid-19 vaccine. Additionally, he referred to the policy as a Rente vaccination. Faisal Basri stated that BUMN's noble mission is to generate value for a large number of people, not to seek Rente. Faisal Basri also discussed the vaccine business's potential (CNBC Indonesia 2021). According to Firli, the Corruption Eradication Commission opposes this compensated program on the grounds that it increases the danger of corruption. If vaccination becomes mandatory, it is believed that it would be utilized by individuals who are not responsible for stockpiling vaccines and then resold at inflated rates, disappointing the people who are collaborating to prevent the spread of Covid-19. (Liputan6, 2021). After receiving input and feedback from the public, President Joko Widodo of the Republic of Indonesia announced through a statement delivered by Cabinet Secretary (Seskab) Pramono Anung that President Joko Widodo has decided to cancel the paid Covid-19 vaccine for individuals who were previously scheduled to receive it through Farma Chemistry.

Bear in mind that the reference regulations for the implementation of Covid-19 vaccine are included in the Minister of Health's Regulation No. 10 of 2021 on the Implementation of Vaccination in the Event of a Pandemic Corona Virus Disease in 2019. (Covid-19) Article 3 Paragraph (5) specifies that employees, families, and other family members who get the Covid-19 vaccine in the service of mutual cooperation immunization as specified in paragraph (3) are free. The vaccine recipient has been included in the target data of the recipient contained in the information system of one data vaccine Covid-19, both for program vaccination and mutual cooperation vaccination. As a result, health practitioners or specific persons (individuals) who trade the Covid-19 vaccination may be accused of engaging in criminal activity.

3.2 Covid-19 Vaccination in Indonesia: Community Rights or Liabilities

Pandemics continue to be a worldwide problem, with countries facing unique health, economic, and social challenges. Regional and economic disparities impact access to vaccinations, treatment, and diagnostics, the committee concluded. Countries with increased access to vaccinations and a strong health system are under pressure to completely reopen their communities and restrict PHSM (Public Health and Social Measures). Countries with restricted vaccination availability saw a flood of new illnesses, eroding public faith and growing opposition to PHSM, exacerbated economic challenges, and, in some cases, exacerbated social unrest (World Health Organization 2021).

The concept of primary health care as a Gatekeeper was developed by the Johns Hopkins University Primary Care Center, covering 4 main domains namely first contact care (continuity function), continuity care, coordination care and comprehensiveness care (comprehensiveness care service) (Novita et al, 2020). Mu'rifah in Hasibuan et al (2019) stated about personal health, namely that someone will try to maintain and increase their own level of health in order to achieve peace of life and have the best workforce.

As a result, the government made the regulation by issuing President Nomo's decision 11 of 2020 concerning the Public Health Emergency of Covid-19. This step was taken to break the Covid-19 transmission chain with the main concern of the government was public health (Gitiyarko, 2021). Sometimes the fulfillment of the right to health, one side of our country clearly acknowledges and greatly requires the fulfillment of the rights of its citizens, one of which is related to the right to health services. Among them is in the 1945 Constitution, Law Number 36 of 2009 concerning Health, Law Number 40 of 2004

concerning the National Social Security System, Law Number 39 of 1999 concerning Human Rights and International Covenant on Economic Rights, Social and cultural that has been ratified by Law Number 12 of 2005 (Pratama 2021). According to Article 1 paragraph (1) of the Law of the Republic of Indonesia Number 36 of 2009 concerning Health Ranging Health is a healthy state, both physically, mentally, spiritually and social that allows everyone to prodivate socially and economically living. Because, health is human rights and one element of welfare that must be realized in accordance with the ideals of the Indonesian nation as referred to in the Pancasila and the opening of the Republic of Indonesia of the Republic of Indonesia in 1945.

According to Afandi (2016) Health rights have been recognized and controlled as human rights in a variety of international and state treaties. Numerous instruments specifically guarantee the recognition of health rights, as follows:

1. Article 25 Universal Declaration of Human Rights (UDHR).
2. Article 6 dan 7 International Covenant on Civil and Political Rights (ICCPR)
3. Article 12 International Covenant on Economic, Social and Cultural Right (ICESCR)
4. Article 5 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).
5. Article 11, 12 dan 14 Convention on the Elimination of All Forms of Discrimination against Women (Women's Convention).
6. Article 1 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Torture Convention, or CAT)
7. Article 24 Convention on the Rights of the Child (Children's Convention, or CRC)

Indonesia is a law-abiding country. Thus, the Indonesian state is obligated to offer human rights to all societies as a result of the current condition of the law (Hidayat, 2016). Pancasila's foundation is built on the belief that people were created by God Almighty with two distinct characteristics, namely individualist aspects (personal) and socialist aspects (community). As a result, everyone's liberty is constrained by the human rights of others. This implies that everyone is responsible for recognizing and respecting the human rights of others. This responsibility also extends to all organizations, regardless of their size, but particularly to the state and government. Thus, the state and government are accountable for respecting, safeguarding, defending, and ensuring the unalienable rights of all citizens and residents. As a result, the preservation and respect for human rights is a critical foundation of every government that calls itself a legitimate state. If a country's human rights are ignored or violated purposefully, and the resulting suffering cannot be resolved equitably, the state cannot be considered a legal state in the proper sense (Asshiddiqie, 2006).

Talking about constitutional rights entails discussing the fundamental human rights enshrined in the constitution. Referring to the right to health, article 28H paragraph (1) of the Republic of Indonesia's basic law from 1945 declares that everyone has the right to a prosperous and inner life, to reside in a safe and healthy environment, and to get health services. Furthermore, the state is required to state in Article 34 paragraph (3) that it is responsible for the provision of health care and adequate public services. Article 34 paragraph (3) also requires the state to state that it is responsible for providing health care and decent public services.

In connection with the treatment of Pademi Covid-19 in Indonesia. Among the additional efforts being made by the government to protect the health of Indonesian residents is the implementation of vaccines, which began on January 13, 2021, with the Republic of Indonesia's first vaccine recipient, Joko Widodo. However, there are still proponents and opponents of vaccination in Indonesia. One legal problem that arises is

whether immunization is a community's right and obligation. Not a few suspicious individuals, even those who reject vaccines for various reasons, a number of activists asserted that vaccine rejection was a matter of human rights. They cite Article 5 paragraph (3) of the Republic of Indonesia's Law No. 36 of 2009 on Health, which states that everyone has the right to independently and responsibly determine his or her own health care needs (Pigai, 2021).

This can serve as a justification for Indonesian law to prohibit vaccination. However, based on the state of Indonesia during the Covid-19 pandemic, vaccination may become necessary. As we can see, there are two (two) additional statutes that govern whether vaccination is a right or an obligation, namely:

1. Article 14 paragraph (1) Law Number 4 of 1984 concerning an outbreak of infectious diseases stating that those who intentionally block the implementation of outbreaks as stated in this law, threatened with imprisonment for 1 (one) year and / or a fine of the highest of Rp. 1,000,000 (one million rupiah).
2. Article 93 Law Number 6 of 2018 concerning Kekaran Health states that everyone who does not comply with the organization of health relaxation as referred to in Article 9 paragraph (1) and / or obstruction of health relaxes that cause public health emergencies to be sentenced to criminal health Prison no later than 1 (one) year and / or criminal fine of Rp. 100,000,000 (one hundred million rupiah). Furthermore, in Article 9 states that, (1) Everyone must comply with the organization of health relations. (2) Everyone is obliged to participate in the administration of health relations.

What if we consider Indonesia's current situation, in which the government declared a state of public health emergency following the publication of Presidential Decree No. 11 of 2020 on Determination of Public Health Emergencies Corona Virus Disease 2019? (Covid-19). If the vaccine is one of the most effective considered efforts to overcome the current Covid-19 pandemic. So, the Law of the Republic of Indonesia Number 36 of 2009 can be ruled out now and now is Law Number 4 of 1984 and Law Number 6 of 2018, so as applicable a special law (*lex specialis*). This principle states that a special law (*lex specialis*) overrides the general law (*lex generalis*). According to Manan Bagir there are several principles that must be considered in the principle of *lex specialis depogat legi generalist* (Manan, 2004), namely:

1. Provisions found in general legal rules remain valid, unless specifically regulated in the rules of the special law;
2. The provisions of the *lex specialis* must be equivalent to the provisions of the *lex generalis* (Law);
3. The provisions of *lex specialis* must be in the same legal environment with *lex generalis*. The Book of Trade Law and the Book of Civil Law equally includes the legal environment.

Generally *lex* here is the Law of the Republic of Indonesia Number 36 of 2009 and *lex specialis* is Law Number 4 of 1984 and Law Number 6 of 2018. So that in this context vaccination becomes a mandatory thing and anyone despair obstruction the effort in order to break the Covid-19 deployment chain (in this case is rejecting the vaccine), then the person can be subject to sanctions.

Vaccination is not only aimed at protecting yourself, but also someone else to create Herd Immunity. And other people also have the same right for healthy living. So in this case, the vaccination was supposed to be not rejected. In accordance with Article 10 of the Republic of Indonesia Law Number 36 of 2009 concerning Health stating that everyone is obliged to respect the rights of others in an effort to obtain a healthy environment, both

physical, biological, and social. And Article 28J of the Republic of Indonesia of the Republic of Indonesia in 1945 which stated as self-association:

- (1) Everyone must respect the human rights of others in order for society, nation, and state to function properly.
- (2) In exercising their rights and liberties, everyone must abide by the limitations imposed by law in order to ensure the recognition and respect for the rights and liberties of others and to meet just demands consistent with moral considerations, religious values, security, and public order in a democratic society.

In relation to the vaccination procedure, Article 5 paragraph (3) of the Republic of Indonesia's Health Law Number 36 of 2009 said that everyone has the freedom to pick the health services they desire. However, this is not a reason to forego vaccination. Because of the Covid 19 pandemic, the person who rejected may have been exposed to the Covid 19 virus, but the person had a robust immune system, and the Covid-19 virus had no effect on the person's health. However, when he comes into contact with others, either directly or indirectly (for example, when coughing or touching something and the virus adheres to the item), and is unaware that the virus is contagious to people who do not have as strong an immune system as those who reject it, it can endanger others and even threaten the person's life (Liputan6 2020).

According to State Science, one of the state's states is compelled. According to Max Weber, when the state is interpreted, it tends to give the essence of the state that compels it to employ violence to maintain public order; this concept is viewed through the lens of sociology. According to Max Weber, using violence for the state's sake is permitted and even essential in times of necessity, such as physical resistance by the populace and external attack (Junaedi and Dimiyati, 2020). However, the country does not always resort to violence to accomplish its objectives. There are civil rights or civil liberties that a country must respect. As per Law 12 of 2005, which encompasses civil and state rights, these rights must be respected. As for the principles of good government, namely the principle of justice or fairness, this principle necessitates that the government not act arbitrarily or insecurely when carrying out actions. If the government commits arbitrary and imprudent activities, decisions pertaining to those actions may be vacated (Kansil, 2010).

Sinovac vaccine is one of the vaccines used in Indonesia in conjunction with Covid-19 immunization. Sinovac vaccine must undergo clinical testing prior to being approved for use in Indonesia. Clinical trials are used in medical science to determine the efficacy of novel medications in people, following animal or preclinical testing (Rahmatini, 2015). Fundamentally, the test is designed to ensure that vaccinations meet certain criteria for efficacy, security, and effectiveness.

Considering the emergency situation and the requirement for expedited handling of Covid-19, the POM (medicine and food) then takes policy actions by establishing an Emergency Use Authorization (EUA) or authorisation of use in an emergency for the Covid-19 vaccine. In Indonesia, the announcement of health emergencies was officially determined through Presidential Decree Number 11 of 2020 concerning Determination of Public Health Emergencies Corona Virus Disease 2019 (Covid-19). Head of the Republic of Indonesia Drug and Food Supervisory Agency, Penny K. Lukito said that the application of EUA was carried out by all regulatory drug authorities around the world to overcome this Covid-19 pandemic. Internationally, the EUA policy is in line with the WHO guide, which mentions that EUA can be set with several criteria. First, the state of public health emergency is determined by the government. Second, there is enough scientific evidence regarding the security aspects and the efficacy of the drug (including

vaccines) to prevent, diagnose, or treat diseases / conditions that are serious and life-threatening based on non-clinical data, clinics, and related disease management guidelines.

Given the existence of the Covid-19 vaccine is to form group immunity in the community. According to PBNU chairman KH Marsudi Syuhud believes that Masyarakat is expected to use a vaccine, because there is no choice, the vaccine now is a necessity for us to vaccinate. Because if one vaccine and only no, then will not happen HERD Immunity (Bisnis.Com 2021). Therefore, the implementation of vaccination in Indonesia can be an obligation for every citizen. Even though there is someone's right to choose health services for themselves. But when viewed from the current conditions, these rights can be reduced to achieve the goal of the country, namely protecting all the people of Indonesia and also including protecting human rights related to human obligations to respect the human rights of others (in this context are the right to people's health other).

IV. Conclusion

Covid-19 epidemic, which has spread to nearly every country on Earth. Along with the government's relentless approach for eradicating the Corona Covid-19 virus, which remains prevalent to this day. In terms of vaccination, there are two categories: vaccination programs and mutual collaboration vaccination. Some governments may implement a paid vaccination policy, but will later revoke it after receiving significant input from President Joko Widodo. The government has stated in Article 3 of Minister of Health Regulation No. 10 of 2021 about the Implementation of Vaccination in the Context of Pandemic Pandemi Corona Virus Disease 2019 (Covid-19) that there is no regulatory framework for vaccination through compensated independent initiatives. Thus, if there are foses, nakes, and specific individuals who sell the Covid-19 vaccination, they can be suspected of deviance or breaking the law.

In the government policy related to vaccine it can be said that vaccination in the context of handling Covid-19 is the right and obligation of citizens. Indeed, there is a person's right to choose health services for him. But if seen from the current situation, Vaccination Covid-19 is one of the efforts of the Indonesian government in dealing with Covid-19 problems. Covid-19 vaccination aims to create group immunity (HERD Immunity) so that people become more productive in carrying out their daily activities. So that those who are not vaccinated can be a virus carrier for others, then this right the right to choose health for him can be reduced to achieve the goal of the country. And protect all human rights themselves and others to obtain the right to healthy life. Therefore, the vaccination that is originally a person's right can turn into an obligation given the current health conditions in an emergency.

References

- Afandi, Dedi. (2016). "Hak Atas Kesehatan Dalam Perspektif HAM." Hak Atas Kesehatan Dalam Perspektif HAM 2, no. 8.
- Akbar, Idil. (2021). "Vaksinasi Covid-19 Dan Kebijakan Negara: Perspektif Ekonomi Politik." Jurnal Academia Praja 4, no. 1: 244–254.
- Akbar, Idil. "Ekonomi Politik Vaksinasi Covid-19." Sindo News. (2020). <https://nasional.sindonews.com/read/229876/18/ekonomi-politik-vaksinasi-covid-19-1605179501>.

- Alasan Pentingnya Vaksinasi COVID-19.” Desa Sepang. (2021). <http://sepang-buleleng.desa.id/index.php/first/artikel/753-Alasan-Pentingnya-Vaksinasi-COVID-19>.
- Apa Alasan Pemerintah Sediakan Program Vaksinasi Covid-19 Berbayar?. Kompas.Com. Last modified (2021). <https://money.kompas.com/read/2021/07/11/114038626/apalasan-pemerintah-sediakan-program-vaksinasi-covid-19-berbayar?page=all>.
- Aqsa, Alghiffari. “Tolak Vaksinasi COVID-19 Dipidana? Begini Perspektif HAM.” Hukum Online. <https://m.hukumonline.com/klinik/detail/ulasan/lt600eb7f29e097/tolak-vaksinasi-covid-19-dipidana-begini-perspektif-ham/>.
- Asshiddiqie, Jimly. (2006). “Gagasan Negara Hukum Indonesia”.
- Bio Farma Respons Soal ‘Bisnis Vaksin’ Perkuat Holding BUMN.” CNN Indonesia. (2020). <https://www.cnnindonesia.com/ekonomi/20201214182036-92-582030/bio-farma-respons-soal-bisnis-vaksin-perkuat-holding-bumn>.
- Conference, World Health Organization Press. (2019) “No Title.” https://www.who.int/emergencies/diseases/novel-coronavirus-2019?gclid=CjwKCAjwq832BRA5EiwACvCWsbpLiaNmFMJRaG905w1Xqii0fpgUKZ_PMEfS_W-xqpaEW93J3snu8xoClXcQAvD_BwE.
- DIPLOMASI VAKSIN COVID-19 INDONESIA: Tantangan Akses Publik Atas Vaksin Dan Layanan Kesehatan Berkeadilan.” Indonesia For Global Justice. (2020). <https://igj.or.id/diplomasi-vaksin-covid-19-indonesia-tantangan-akses-publik-atas-vaksin-dan-layanan-kesehatan-berkeadilan/>.
- KPK Sebut Vaksin Berbayar Rentan Korupsi, Sahroni DPR: Rawan Mafia Dan Penyelewengan. Liputan6. (2021). <https://www.liputan6.com/news/read/4607184/kpk-sebut-vaksin-berbayar-rentan-korupsi-sahroni-dpr-rawan-mafia-dan-penyelewengan>.
- El-Muthtaj, Majda. (2009). Hak Asasi Manusia Dalam Konstitusi Indonesia. Jakarta: Kencana Prenada Media Group.
- Faisal Basri Sebut Vaksin Bayar Bak Rente, Bisnis Super Cuan!. CNBC Indonesia. (2021). <https://www.cnbcindonesia.com/tech/20210713094846-37-260343/faisal-basri-sebut-vaksin-bayar-bak-rente-bisnis-super-cuan>.
- Gandryani, Farina, and Fikri Hadi. (2021). “Pelaksanaan Vaksinasi Covid-19 Di Indonesia: Hak Atau Kewajiban Warga Negara (the Vaccination of Covid-19 in Indonesia: Citizen Right or Citizen Duty).” *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 10, no. 1.
- Gitiyarko, Vincentius. “Upaya Dan Kebijakan Pemerintah Indonesia Mengenai Pandemi Covid-19.” Kompas Pedia. Last modified (2020). <https://kompaspedia.kompas.id/baca/paparan-topik/upaya-dan-kebijakan-pemerintah-indonesia-menangani-pandemi-covid-19>.
- Hasibuan, S. W., et al. (2019). The Effect of Health and Religious Beliefs on Consumer Consciousness of Using Halal Cosmetics. *Budapest International Research and Critics Institute-Journal (BIRCI-Journal) Volume 2, No 3, Page: 239-249*.
- Hidayat, Eko. (2016). “Perlindungan Hak Asasi Manusia Dalam Negara Hukum Indonesia.” *Asas: Jurnal Hukum dan Ekonomi Islam* 8, no. 2: 56534. <https://www.neliti.com/publications/56534/>.
- Hutchinson, Terry, and Nigel Duncan. (2008). “Defining And Describing What We Do: Doctrinal Legal Research.” *Proceedings of the 22nd British HCI Group Annual Conference on People and Computers: Culture, Creativity, Interaction, BCS HCI 2008* 2

- <https://www.prudential.co.id/id/pulse/article/apa-itu-sebenarnya-pandemi-covid-19-ketahui-juga-dampaknya-di-indonesia/> Prudential.
- <https://www.prudential.co.id/id/pulse/article/apa-itu-sebenarnya-pandemi-covid-19-ketahui-juga-dampaknya-di-indonesia/>.
- Inman, Phillip. "A Hundred Years on, Will There Be Another Great Depression?" *The Guardian*. (2020). <https://www.theguardian.com/business/2020/mar/21/100-years-on-another-great-depression-coronavirus-fiscal-response>.
- Junaedi, Junaedi, and Agus Dimiyati. (2020). "Hakikat Dan Fungsi Negara: Telaah Atas Persoalan Kebangsaan Di Indonesia." *Logika : Journal of Multidisciplinary Studies* 11, no. 01
- Kansil, C.S.T., and Christine S.T. Kansil. (2010). *Pengantar Ilmu Hukum Indonesia*. Jakarta: PT. Rineka Cipta.
- Kristian, Adhi. "Vaksinasi Covid-19, Kepentingan Kemanusiaan Atau Bisnis?" *Baroindo*. (2021). <http://baroindo.id/2021/05/25/dikotomi-vaksinasi-covid-19-kepentingan-kemanusiaan-atau-bisnis/>.
- Law of the Republic of Indonesia Number 36 of 2009 concerning Health.
- Law of the Republic of Indonesia Number 4 of 1984 concerning infectious diseases.
- Law of the Republic of Indonesia Number 6 of 2018 concerning Regional Quarantine.
- Manan, Bagir. *Hukum Positif Indonesia*. Yogyakarta: UII Press, 2004.
- Mengenal Istilah Orang Tanpa Gejala Yang Berpotensi Tularkan Corona Covid-19. *Liputan6*. Last modified (2020). <https://www.liputan6.com/otomotif/read/4229811/mengenal-istilah-orang-tanpa-gejala-yang-berpotensi-tularkan-corona-covid-19>.
- Menjawab Berbagai Kontroversi Tentang Vaksin Covid-19. *Indonesia Healthcare Forum*. <https://indohcf.com/past-event/menjawab-berbagai-kontroversi-tentang-vaksin-covid-19>.
- Muhaimin. (2020). *Metode Penelitian Hukum*. Mataram: Mataram University Press.
- Natalius Pigai: Menolak Vaksin Adalah Hak Asasi Rakyat! *Law Justice*. <https://www.law-justice.co/artikel/100970/natalius-pigai-menolak-vaksin-adalah-hak-asasi-rakyat/>.
- Novita, W., et al. (2020). The Relationship between Geography Access and Utilization of Basic Emergency Neonatal Obstetric Services (PONED) in Hamparan Perak Health Center, Deli Serdang Regency in 2018. *Budapest International Research and Critics Institute-Journal (BIRCI-Journal) Volume 3, No 1, Page: 674-681*.
- NU Dorong Masyarakat Ikut Vaksinasi Covid-19, Ini Alasannya. *Bisnis.Com*. (2021). <https://kabar24.bisnis.com/read/20210325/15/1372319/nu-dorong-masyarakat-ikut-vaksinasi-covid-19-ini-alasannya>.
- Pelaksanaan Vaksinasi COVID-19 Perdana Di Indonesia, 13 Januari 2021, Di Istana Merdeka, Provinsi DKI Jakarta. *Sekretaris Kabinet Republik Indonesia*. 2021. <https://setkab.go.id/pelaksanaan-vaksinasi-covid-19-perdana-di-indonesia-13-januari-2021-di-istana-merdeka-provinsi-dki-jakarta/>.
- Penerbitan Persetujuan Penggunaan Dalam Kondisi Darurat Atau Emergency Use Authorization (EUA) Pertama Untuk Vaksin COVID-19. *Badan Pom*. Last modified 2021. <https://www.pom.go.id/new/view/more/pers/584/Penerbitan-Persetujuan-Penggunaan-Dalam-Kondisi-Darurat-Atau-Emergency-Use-Authorization--EUA--Pertama-Untuk-Vaksin-COVID-19.html>.
- Presiden Tegaskan Vaksinasi Berbayar Dibatalkan. *Sekretariat Kabinet Republik Indonesia*. Last modified (2021). <https://setkab.go.id/presiden-tegaskan-vaksinasi-berbayar-dibatalkan/>.

- Pratama, Wahyu. “Negara Wajib Bertanggungjawab Atas Kesehatan Masyarakat.” Lembaga Bantuan Hukum Banda Aceh. Last modified (2019). <http://lbhbandaaceh.org/negara-wajib-bertanggungjawab-atas-kesehatan-masyarakat/>.
- Presidential Decree Number 11 of 2020 concerning Determination of Public Health Emergencies Corona Virus Disease 2019 (Covid-19).
- Rahmatini. (2015). “Evaluasi Khasiat Dan Keamanan Obat (Uji Klinik).” *Majalah Kedokteran Andalas* 34, no. 1: 31.
- Regulation of the Minister of Health of the Republic of Indonesia No. 10 of 2021 concerning the Implementation of Vaccination in the context of Corona Pandemic Corona Virus Disease 2019 (Covid-19). Indonesian Ministry of Health Regulations.
- Statement on the Eighth Meeting of the International Health Regulations (2005) Emergency Committee Regarding the Coronavirus Disease (COVID-19) Pandemic. World Health Organization. Last modified 2021. [https://www.who.int/news/item/15-07-2021-statement-on-the-eighth-meeting-of-the-international-health-regulations-\(2005\)-emergency-committee-regarding-the-coronavirus-disease-\(covid-19\)-pandemic](https://www.who.int/news/item/15-07-2021-statement-on-the-eighth-meeting-of-the-international-health-regulations-(2005)-emergency-committee-regarding-the-coronavirus-disease-(covid-19)-pandemic).
- Syabriansyah, Rijal. “Pro Dan Kontra Vaksin COVID-19.” *Kumparan*. <https://kumparan.com/rijal-syabriansyah-219/pro-dan-kontra-vaksin-covid-19-1vcXO9pvtz1>.
- Uji Klinis Selesai, BPOM: Aspek Keamanan Vaksin Sinovac Baik. Sekretariat Kabinet Republik Indonesiataris Kabinet Republik Indonnesia. Last modified (2020). <https://setkab.go.id/uji-klinis-selesai-bpom-aspek-keamanan-vaksin-sinovac-baik/>.
- Vaksinasi Segera Dimulai, Presiden: 329,5 Juta Dosis Vaksin COVID-19 Telah Dipesan. Sekretariat Kabinet Republik Indonesia. Last modified (2021). <https://setkab.go.id/vaksinasi-segera-dimulai-presiden-3295-juta-dosis-vaksin-covid-19-telah-dipesan/>.