



Giving COVID-19 Vaccines to Citizens: Understanding Legal Basis



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*COVID vaccine;
health law;
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Abstract

This paper aims to understand the legal basis for administering the COVID vaccine to Indonesian citizens. To complete this understanding, we have collected data on the evidence of the study of publications from several journals that have a high level of investment in the discussion on the legal point of giving vaccines to the public and many journals that raise the issues of this COVID outbreak. So, after we collect the data, we continue with a study involving the coding system, evaluate the data carefully, and then try to interpret it as much as possible to get answers that we consider validity and reliability in answering this legal study issue. After we reviewed our data and continued our discussion, we finally found that the state has a legal umbrella in implementing the COVID-19 vaccination program for all Indonesian citizens with so many legal foundations, so at this moment, the results of our study will be helpful in the development of legal studies discussions and problems with the rising COVID vaccination program in Indonesia future.

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Contents

Abstract	364
1 Introduction	365
2 Materials and Methods	365
3 Results and Discussions	366
3.1 Vaccination and law support	366
3.2 Vaccine rights or obligations	367
3.3 What International publications say	368
4 Conclusion	368
Acknowledgments	369
References	370
Biography of Authors	372

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1 Introduction

The fact is that the Coronavirus has become an international issue, including a problem for Indonesia, especially the issue of vaccination programs from a legal perspective and relations with other aspects of life (Al Farizi & Harmawan, 2020; Nugraha et al., 2021; Manullang, 2020). The most attention-grabbing issue is the legal status of the implementation of the vaccination program for all Indonesian citizens carried out by the government, which is channeled through the Health Service assisted by law enforcement officers, including the police and even the TNI, which is easily found in centers implementing vaccination programs throughout Indonesia (Ayunda et al., 2021). Because the issue of vaccination cover has recently become a national issue where conflicts often occur between the government and community rather than the government through its policies and work programs, it is with the willingness of the general public that many are reluctant to be vaccinated with all the background problems associated with this vaccination program (Nasir et al., 2021; Manullang, 2020b).

Indonesia is one of the legal countries where every program implementation is carried out by law enforcement or the government for family terms based on applicable law so that the legality of its implementation (Sukmana et al., 2021). So something that happened to this national vaccine program is related to the implications of the implementation of this vaccination, namely that there is still one understanding from all components of society because the success of this vaccine program is closely related to community participation both in the city and in the area (Febriyanti et al., 2021; Detoc et al., 2020). So, we believe that every program implemented by the government is believed to have a legal background; otherwise, it will be a problem, but how to sit on the legal basis of this program, many people do not understand (Zainuddin & Febriyanti, 2021).

For this implementation to have a clear legal basis, this study tries to review several findings that have been published in various health journals and then also review documents issued by the government, in this case, the Ministry of Health-related to health as well as news releases from the government from the profit vaccination implementation agency as well as to academics who have expressed the results of their thoughts and studies in various publication sources and databases, such as publications of the presidential presidium journal and various mass media both print and electronic (Giubilini et al., 2020). We make it a source of information on the legal basis that we can review, and for our analysis, we interpret and improve it so that we give an understanding. There is a basis that this is very important if all people try to understand the legal basis of vaccines because most government programs that involve the community and funding are often not conveyed and not understood entirely by various levels of society (Gostin et al., 2020; Reiter et al., 2020).

Other things related to this vaccination program, for example, national budget and economic value, how vaccines are found, then legal aspects, how important the law is for the implementation of vaccinations so that not only Make succeed in government work or also protect the rights of to the community or citizens who have been vaccinated so that all mistakes and understandings can be corrected if there is one party who carries out various studies that bring it to the surface so that all people can understand the meaning of the law for implementing this vaccination (Persad & Emanuel, 2021). Explain that the main focus of this study is how the legal status aspect of implementing these results is and the state's role in overcoming the handling system if there are people who become victims of vaccination (Phelan et al., 2020; Manullang & Satria, 2020).

2 Materials and Methods

In this section, we will discuss how and procedures for this study we will carry out. First, we reiterate that this study aims to understand the legal basis for administering the COVID vaccine to Indonesian citizens (Malik et al., 2020). To complete this understanding, we have collected data on evidence of published studies from several journals that have a high level of investment in discussing the legal point of administering vaccines to the public and many journals that raise the issue of this COVID-19 outbreak (Fernandez et al., 2020) Our data sources visit several well-known publications such as Elsevier, sage pub, Google Books, Taylor, and France,

and other publications from Indonesia. So, after we collect the data, we continue the study involving the coding system, evaluate the data carefully, and then try to interpret it as much as possible to get an answer that we consider its validity and reliability in answering this legal study problem. We design a descriptive qualitative study of law and health, especially COVID-19 vaccination (Sun et al., 2020).

3 Results and Discussions

3.1 Vaccination and law support

As has been conveyed from various government releases through national and local media, the implementation of this vaccination program cannot run alone and without a legal umbrella (Bustomi, 2021; Manullang et al., 2021). However, the government already has many legal umbrellas that will provide legality to government implementers in implementing this national vaccination program (Volpp et al., 2021). The legal umbrella in question is many government policies, including before carrying out vaccinations the government has implemented various policy packages with a legal basis related to conflict issues, for example, social restrictions on large-scale community movements, then heard that social distancing, then work from home policies and a kind of appeal and a national policy that closes the implementation of conventional education and then sends students home during a pandemic. All policies are outlined in the legal umbrella so that they can work for the success of policies that include washing hands, wearing masks, and many other socializations to combat not negative impacts, if there are any what is wrong with the name, will be subject to sanctions and fines (Widayati, 2021; Widana et al., 2021).

In this case, the government does not immediately implement all programs, including the COVID-19 vaccination, without seeing and reviewing all the impacts of this national vaccination program (Privor-Dumm et al., 2021; Sholahuddin et al., 2021; Manullang et al., 2020). In that case, the country also learns from many prosperous countries such as America, Japan, Europe, Australia, and several ASEAN countries that have successfully implemented it (Wells & Galvani, 2021). This vaccination program is for all its citizens. However, because each country certainly has models and problems that arise in responding to government programs, especially the implementation of vaccination by their respective citizens, this is responded to appropriately because of the differences in society in the current era where global information and communication flows. There are various public opinions; some are pro and contra, some are happy, some are happy to accept this vaccination program, so the government needs to think of a breakthrough work program to educate the implementation of national vaccination specifically for the Coronavirus (Deb et al., 2020; Asman et al., 2021).

This vaccination is a government program to overcome the anticipation of danger rather than the spread of the Coronavirus (Liang & Acharya, 2020). This is a government that carries out the constitutional mandate where the coordination implementation program is successful so that this presentation program will be successful. National health goals can be maximized as quickly as possible (Sarnoto & Hayatina, 2021). Therefore, through various field findings, the government continues to make breakthroughs and this vaccination program uses various approaches; first, passive intransitive and communicative approach, the aim is to explain this vaccination program efficiently and effectively and productively. Furthermore, this vaccine is a human right of every citizen. Legally, the right to health is a right obtained by every citizen, so the government must implement its human rights, namely to obtain health for all citizens equally (Susilo et al., 2021; Ningsih et al., 2021).

For example, the first legal basis is Article 28 paragraph 1 of the Constitution of the Republic of Indonesia, which states that everyone has the right to live in physical and spiritual prosperity, to live, and to obtain a healthy and healthy living environment (Isnaini & Adnan, 2018). Every citizen has the right to obtain full health services from the government. The following legal basis, for example, can be seen in article 25, namely the universal declaration of world human rights in which every citizen has the right to a better life, including health and other welfare, both individually and collectively, the right to a family, the right to food. The government has to control housing, health services, social security, health services, and other rights (Haling et al., 2018). Furthermore, there is an international legal basis on socio-cultural-economic rights where the government, through law number 11 of 2005, allows every nation to enjoy a high degree of health that can be

achieved through services from the government. Everyone has the same right to obtain legal and health protection from the state (Sandiata, 2013; Hotle et al., 2020).

In addition, a person has the right to determine the health services needed for himself independently. It is stated in article 15 that the government is responsible for the availability of the environment for the arrangement of physical and social health facilities, article 16 of the government. The government is responsible for providing resources in the health sector, including facilities and medicines for implementing a good coffee vaccination program, followed by law number 39 of 99 on human rights (Mohamad, 2019). Likewise, in article 6, a person has the right to live, survive and improve his standard of living, the next market, protection, promotion, enforcement, and fulfillment of human rights, especially the state, then at that time health is the right of citizens from the government.

These rights are divided into four categories: the provision of services in the context of vaccine services; the government must provide adequate vaccine facilities (Ardita, 2020). Citizens are not selective; everyone should get it. Next is the acceptance aspect, meaning that people must accept the vaccine. The government should provide education to those who refuse vaccines because it protects the rights of others. The four aspects of vaccine quality must meet quality standards according to science develop knowledge (Taufikkurrahman, 2016). In implementing this vaccine program, of course, the government through the relevant ministries must immediately implement it based on the program and regulations of the Ministry of health and decide that the vaccine is free so that all Indonesian citizens can get it for free. The two DPRs, in particular Commission 9, reminded the government that vaccines are public goods that are given to the Indonesian people free of charge (Taufikkurrahman, 2016).

Furthermore, vaccination is the right of every citizen, so this implementation must have the support and participation of various state alliances, for example, the involvement of academics, the involvement of experts, the involvement of researchers who can be involved instead of specialists from various investments and (Burhanuddin et al., 2020). Similarly, Burhanuddin et al. (2020), said how hard the government is in knitting the hope of hard work that must be supported by many parties to complete the task of completing the COVID-19 pandemic, which must be seen as collaborative work with many parties other than the government.

3.2 Vaccine rights or obligations

It is true that because of that, how this pendant has become a problematic issue from all sectors of life, be it health, economy, education, and others; therefore, there is a legal basis for the government through the ranks of government (Lebret, 2020). The Ministry has the right and obligation to make this vaccination program a success to reduce the number of victims. However, as described above, many regulations have been implemented, but the government still has to implement a vaccination program to reduce the number of victims of the Coronavirus attack (DeFrancesco, 2020). Since the vaccine program was launched, there have been new controversies and polemics in the community who accept and reject it for various reasons, which became the basis for the emergence of the pros and cons of this vaccine—attracting the attention of academics, researchers, and policymakers. This cover vaccination is one of the many government programs in tackling the dangers of this conflict, as stated in government regulation number 12 of 2020 concerning the determination of non-natural disasters, namely the spread of the danger of viruses—Corona as a national disaster (Ruslina & Sekarsari, 2020).

So, this handling must also be based on national-scale programs implemented from various layers from cities to provincial and district cities (Yao et al., 2017). The government also issues the legal umbrella product regarding sanctions for people who refuse vaccination as stipulated in the provincial regulations, especially the capital city of Jakarta number 2 for corona prevention as stated in article 30, so for those who refuse. This is a non-sanction imposition, namely the payment of a fine of IDR 5,000,000 (Ayunda et al., 2021). Based on the regulations contained in Article 10, for example, in the regional government, specifically for the capital city. Indeed, the implementation of the regional regulation on sanctions for refusal of office is contrary to law number 36 of 1998 article 5 paragraph 30, which states that everyone has the right to be independently responsible for determining the health services needed (Handayani, 2021). Then regarding criminal sanctions, which refers to article 19 in conjunction with article 93 of law number 6 of 2018 concerning health quarantine, article 9 paragraph 1 of the quarantine and health law states that every article 93 of the quarantine law states that anyone who does not fulfill the implementation of the health quarantine as

intended or obstructing the implementation of the health quarantine, resulting in another person's land being punished with a fine of IDR 100,000,000 (Putri, 2021; Szmukler et al., 2014).

This is a violation of human rights. Human rights are indeed an excellent program to increase the immunity of the human body but let us all understand that vaccination is not the only way to stop the harm rather than having a virus, but increase the immunity, and it will be to kill the virus in the body. So as is known by many people, the government has issued various regulations on legal products to combat the dangers, rather than for this reason, most of the legal products are determined to cause sanctions, and then the citizens of the country do not have the same rights, totally in personal protection and health. So with the sanctions for refusing the vaccine, it is a violation of rights because there are still many ways that the whole community can accept, such as the vaccination being replaced by giving supplements in the form of syrup for children and capsule form for adults. Because not all are the same, there are times when a person with fear and trauma or even interference with the vaccine.

So in this case, the government cannot force it with the existing power with the existing law, such as implementing sanctions such as violations of socialization in the community, many lose their livelihoods and various the issues contained in it and also include refusing to administer a vaccination program, sanctions are subject to administrative sanctions and criminal sanctions. Until now, there is still controversy between people who increasingly believe in various statements outside the government. It seems that the government has lost legitimacy in trying to make the government look very authoritarian in controlling rights -citizen's rights. Therefore, in the perspective of legal life, many experts state that giving their children a coffee vaccine is voluntary, and there is no implication of coercion, let alone sanctions that can cause the loss of citizens' rights, as reported, right? many releases such as who stated that vaccination is not mandatory for the entire population, even in America and France, it is not mandatory for everyone to have rice.

3.3 What International publications say

According to Schoch-Spana et al. (2021), how to work to convince the public to receive vaccines has become an enormous challenge as well as an opportunity for the government related to invitations and campaigns for vaccination in the future and also an invitation to inform how vital vaccines are in efforts to advance understanding in the community. -the breadth and how the public is willing to receive the vaccine, which is an effort rather than protecting the public from the risk of being exposed to the Coronavirus child vaccine virus, however, the government, which is supported by all elements, must be in agreement to enable this program to run successfully and to facilitate how the vaccine can be absorbed, how the working group will be able to convince the public to easily accept the importance of successfully implementing the vaccine program for all citizens (Goel et al., 2021).

Weintraub et al. (2021), non-pharmaceutical care management is being pursued to control the spread of the new Coronavirus. Likewise, vaccine program services that are believed to protect against COVID-19 infection are being developed and campaigned. To achieve widespread vaccination, the leaders of each country must invest smartly in evidence-based vaccine distribution and distribution methods equipped with the application of laws to anticipate the misuse of programs that harm both the country and its citizens. Through an essay, discuss regulatory aspects of international law and collaboration in combating the COVID-19 pandemic. The main issues discussed were the advisory (not mandatory) nature of most international legal instruments relating to pandemic preparedness; reluctance of countries to notify WHO of outbreaks of communicable diseases; and arbitrary interpretations of national governments. In this, it can be emphasized that the legal status of the vaccine program is still protected by law by inviting, not coercion (Gandryani & Hadi, 2021).

4 Conclusion

In this final section, we will discuss a summary of the study we carried out. First, we reiterate that this study aims to understand the legal basis for administering the COVID vaccine to Indonesian citizens. We believe that we have answered the problem of this study with an understanding of the theme of the study; we have collected evidence of published studies from several journals that have a high level of investment in

discussions about the legal point of giving vaccines to the public and many journals that raise the issue of this COVID-19 outbreak. Our data sources visit several well-known publications such as Elsevier, sage pub, Google Books, Taylor and France, and other publications from Indonesia. So, after we collect the data, we continue the study involving the coding system, evaluate the data carefully, and then try to interpret it as much as possible to get an answer that we consider its validity and reliability.

The findings are that from a series of existing literature, on average, they say that each country has a transparent umbrella for implementing vaccination programs, all of which aim to combat the dangers of the COVID-19 outbreak in their respective citizens. However, its implementation also encounters challenges and opportunities. The challenge is still there are many citizens who are pro and contra on this vaccination program. So following the directives of WHO and other health agencies, every country needs to convince its citizens to accept this vaccine with pleasure, not by coercion and other witnesses. Everything must have a legal basis and certainty for justice and equity in getting vaccine services from the state.

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