



**Kebijakan Vaksinasi Covid-19 Berdasarkan Peraturan Presiden Nomor 14  
Tahun 2021 Perubahan Atas Peraturan Presiden Nomor 99 Tahun 2020  
Tentang Pelaksanaan Dan Pengadaan Vaksinasi Dalam Upaya  
Penanggulangan Virus Covid-19**

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**Abstract**

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*In order to implement the maximum national vaccination program, President Joko Widodo issued Presidential Regulation (Perpres) Number 14 of 2021 concerning Amendments to Presidential Decree Number 99 of 2020 concerning Procurement of Vaccines and Implementation of Vaccinations in the Context of Overcoming the 2019 Corona Virus Disease (Covid-19) Pandemic. The Presidential Decree contains provisions governing the procurement of vaccines and the implementation of vaccinations in the context of dealing with the Covid-19 pandemic. Regarding administrative sanctions, it is one of the things regulated in this regulation. The administrative sanctions in question are aimed at people who have previously been declared as target recipients of the Covid-19 vaccine and basically this is contrary to Law No. 36 of 2019. People who then refuse to receive Covid-19 vaccination may be given administrative sanctions. These sanctions are stated in Article 13A paragraph (4) which states: "Every person who has been designated as a target recipient of the Covid-19 vaccine who does not take part in the Covid-19 vaccination as intended in paragraph (2) may be subject to administrative sanctions, in the form of, Postponement or termination of the provision of social security or social assistance. Postponement or termination of government administration services, and/or fines. This research method uses a normative juridical review method. This research is expected to increase knowledge for writers and readers regarding the Covid-19 Vaccination Policy Based on Presidential Regulation Number 14 of 2021 Amendments to Presidential Regulation Number 99 of 2020 concerning Implementation and Procurement of Vaccinations in Efforts to Control the Covid Virus -19. The legal policy that the public will accept if they refuse to be given the Covid-19 vaccine, in Article 13A paragraph 4 and paragraph 2, is that every person who has been designated as a target recipient of the Covid-19 vaccine who does not take part in the Covid-19 vaccination, may be subject to administrative sanctions in the form of: postponement or termination of the provision of social security or social assistance; Delays in administrative services cause obstacles to the implementation of controlling the spread of Covid-19. In addition to being subject to sanctions, sanctions can be imposed in accordance with the provisions of Law Number 4 of 1984 concerning infectious disease outbreaks. The appropriate government policy regarding the issue of implementing vaccination in efforts to contain the Covid-19 virus is to review Presidential Decree No. 14 Article 13 A regarding the obligation that every citizen is obliged to carry out vaccination and if this is not carried out, administrative sanctions will be imposed; re-collect data regarding vaccination recipients, especially the elderly and people who have congenital diseases; and aligning the presidential decree with the contents of Health Law Number 36 of 2009 that every citizen has the right to determine the health facilities they will receive without any coercion from any party.*

**Keywords:** Covid 19 Procurement, Presidential Decree Number 14 Of 2021, Amendment To Presidential Decree No. 99 Of 2020, Law No. 36 Of 2009.

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## INTRODUCTION

The preamble to the 1945 Constitution of the Republic of Indonesia states that social welfare is a separate name for Article social. This means that social welfare is a foundation of the Indonesian economic system and social system.

Recognition and protection of human rights is an integral part of a set of characteristics of a legal state. The Indonesian state is a state based on law, in line with the provisions of Article 1 Paragraph (3) of the 1945 Constitution "The Indonesian state is a state of law". Eko Hidayat provides a definition of human rights as follows: "Human rights are natural rights that are inherent in individuals from birth, which are naturally obtained from the Almighty God whose existence cannot be taken away and whose existence must be respected, upheld and protected by the state, law, government and every person for the sake of honor and protection of human dignity."

In connection with the appeal from the World Health Organization (WHO) regarding Covid-19, and in accordance with Law of the Republic of Indonesia number 36 of 2009 concerning health with article 5 paragraph (1-3) which reads:

1. Everyone has the same rights in gaining access to resources in the health sector.
2. Everyone has the right to obtain safe, quality and affordable health services.
3. Every person has the right to independently and be responsible for determining the health services needed for himself.

At the beginning of 2020, the world was shocked by the Corona virus, which was first identified in 2019. The spread of the virus was first identified in Wuhan, China. Based on data from the World Health Organization (WHO) on March 1 2020, the virus spread rapidly to 65 countries around the world, and Indonesia was one of the countries infected with the Corona virus. Indonesia first detected the spread of the Corona virus on March 2 2020, and two of them were Indonesian citizens who were declared infected with Covid-19.

The PSBB policy is included in PP Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating Handling of Corona Virus Disease 2019 (Covid-19) and is then concretely regulated in Minister of Health Regulation Number 9 of 2020 concerning Guidelines for Large-Scale Social Restrictions in the Context of Accelerating Handling of Corona Virus Disease 2019 (Covid-19).

After the discovery of a vaccine for Covid-19, the vaccine then began to be tested and then entered the stage of being ready for mass production. Many countries have vaccinated their people in order to reduce the spread and eradicate Covid-19, Indonesia is one of the countries that has vaccinated its people. A vaccine is an antigen which, when given to a person, can provide special, active immunity against certain diseases. Vaccination aims to enable a person's body to recognize the bacteria/viruses that cause certain diseases, which then provides immunity.

The research carried out has similarities with the two researchers above, namely regarding the implementation of presidential regulation number 14 of 2021 concerning articles on administrative sanctions given to people who have health obstacles when being vaccinated. Meanwhile, the difference is how the Covid-19 vaccination policy is based on presidential regulation Number 14 of

2021, an amendment to presidential regulation Number 99 of 2020 concerning the implementation and procurement of vaccinations in efforts to contain the Covid-19 virus.

Based on the problems above, the author is interested in conducting legal research entitled: "Covid-19 Vaccination Policy Based on Presidential Regulation Number 14 of 2021 Amendments to Presidential Regulation Number 99 of 2020 concerning Implementation and Procurement of Vaccinations in Efforts to Control the Covid-19 Virus".

### **Problem Formulation**

Based on the description that has been presented in the background section above, the author wants to discuss and research several problems, including:

1. What is the Covid-19 vaccination policy based on Presidential Regulation Number 14 of 2021, Amendment to Presidential Regulation Number 99 of 2020 concerning the Implementation and Procurement of Vaccinations in Efforts to Control the Covid-19 Virus?
2. What should be the appropriate government policy regarding the issue of implementing vaccination in efforts to contain the Covid-19 virus?

### **Research Objectives and Uses**

#### **Research Objectives**

Based on the problem formulation that has been revealed above, the research objectives carried out in this study aim to:

- a. To find out about the Covid-19 vaccination policy based on Presidential Regulation Number 14 of 2021, Amendment to Presidential Regulation Number 99 of 2020 concerning the Implementation and Procurement of Vaccinations in Efforts to Control the Covid-19 Virus.
- b. To find out the right government policy regarding issues regarding the implementation of vaccination in efforts to control the Covid-19 virus.

#### **Usefulness of Research**

- a. In accordance with the provisions that apply to each university, namely as a requirement for taking the final exam to obtain a law degree at the Faculty of Law, University of Riau.
- b. It is hoped that this research will increase knowledge for writers and readers regarding the Covid-19 Vaccination Policy Based on Presidential Regulation Number 14 of 2021, Amendments to Presidential Regulation Number 99 of 2020 concerning the Implementation and Procurement of Vaccinations in Efforts to Control the Covid-19 Virus.

### **Theoretical Framework**

The policy regarding vaccination is contained in Presidential Decree Number 14 of 2021 concerning Amendments to Presidential Regulation Number 99 of 2020 concerning Procurement of Vaccines and Obligations to Implement Vaccinations in the Context of Overcoming the 2019 Corona Virus Disease (Covid-19) Pandemic. So that the vaccinations that have been carried out so far have a fairly strong legal basis or legal umbrella, but they do not meet the requirements. As the legal theory put forward by Gustav Radburch Minister of Health Regulation Number 84 of 2020 fulfills two theories, namely the theory of state protection and the theory of human rights.

### **State Protection Theory**

The Covid-19 vaccine that was born from an intellectual process is entitled to legal protection. Legal protection as initiated by Roscoe Pound considers law as a tool of social engineering (Law as a tool of social engineering and social control) which aims to create harmony and harmony so that it can optimally fulfill the needs and interests of humans in society. Justice is a symbol of harmonious and impartial efforts to pursue the interests of the members of society concerned. For this ideal interest, coercive power is needed by the state authorities.

Roscoe Pound's opinions/views have many similarities with the Interessen Jurisprudence school. The primacy of logic in law has been replaced by the primacy of "study and assessment of human life (Lebens forschung und Lebens bewertung), or more concretely thinking more about the balance of interests (balancing of interests, private as well as public interest).

Roscoe Pound also believes that living law is a synthesis of legal positivism and the antithesis of the historical school. This means that there is truth in both schools. Only the law is able to face the test of reason in order to survive. The eternal elements in the law are only statements of reason which consist of experience and are tested by experience.

Experience is developed by reason and reason is tested by experience. Nothing can survive on its own in the legal system. Law is an experience regulated and developed by reason, which is promulgated with authority by bodies that make laws or pass laws in a society whose political organization is assisted by the power of that society.

### **Human Rights Theory**

Human Rights (HAM) are basic human rights that exist and are a gift from God Almighty, apart from that, human rights are also natural rights which therefore cannot be revoked by other human beings, fellow living creatures. Human rights are believed to have universal value, which means they do not recognize the boundaries of space and time.

The concept of free consent can mean that the potential recipient of the vaccine (individually) or approval from a public institution that is competent in the health sector. However, when viewed in the context of the Covid-19 virus which is on a pandemic scale (globally, which has infected many countries), and refers to the second point that someone who is not vaccinated can actually become a killer of other people, then this approval comes from a competent public institution in health sector, and the existence of this agreement is to protect one of the components of civil rights, namely the right to health. This vaccination can be mandatory if approval has been obtained from the relevant institution.

In exercising constitutional rights and freedoms, it must also be accompanied by awareness of the obligations and responsibilities to respect the rights and freedoms of others. If the rights and freedoms that are fought for conflict with the rights and freedoms of other people, then what is sought is substantial truth and justice.

If you pay attention to the provisions in Article 28J paragraph (2), it is clear that restrictions on Human Rights are not limited by law or juridical considerations but are constitutionally based on moral considerations and religious values in order to protect and respect the rights and freedoms of people/individuals and public. Quoting a term from Mahfud MD, the existence of

this article shows that the principle "There is no right to unlimited freedom" applies.

### **Conceptual Framework**

A conceptual framework is a framework that describes the relationship between concepts, especially those that want or will be researched. In this research the author provides a conceptual framework for the terms used in this research. namely as follows:

1. Health is a healthy condition, both physically, mentally, spiritually and socially, which enables everyone to live a productive life socially and economically.
2. Presidential Regulations are statutory regulations stipulated by the president to carry out orders from higher statutory regulations or to exercise government power.
3. Vaccines are biological products that contain antigens in the form of dead or live microorganisms that are weakened, intact or their parts, or in the form of microorganism toxins that have been processed into toxoids or recombinant proteins, which are added with other substances, which when given to someone will creates active specific immunity against certain diseases.
4. Vaccination is the administration of a vaccine specifically given in order to actively create or increase a person's immunity against a disease, so that if one day they are exposed to the disease they will not get sick or will only experience mild illness and will not become a source of infection.
5. Corona Virus Disease (Covid-19) is an infectious disease caused by Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2).

### **Research Methods**

This research is considered normative legal research, therefore the approach uses a normative analysis approach by following the steps, namely identifying legal sources that form the basis of the problem formulation, identifying the main topics and sub-topics that originate from the problem formulation, identifying and inventorying normative provisions. from primary legal discussions based on details of sub-topics, comprehensively reviewing primary materials and secondary legal materials in order to answer the problems that have been formulated.

The research was carried out using a normative legal research approach which focused on examining the rules related to the Covid-19 vaccination policy based on presidential regulation number 14 of 2021, amendments to presidential regulation number 99 of 2020 concerning the implementation and procurement of vaccinations in efforts to contain the Covid-19 virus. .

#### **1. Type of Research**

Research The research used is normative legal research, normative legal research is library legal research carried out by examining library materials or secondary data. This research uses research methodology on principles.

This research starts from certain areas of (written) legal system, by first identifying the legal rules that have been formulated in certain legislation. If research is carried out on law, then first the legal rules must be formulated, then the principles can be drawn.

In normative legal research there are several characteristics, namely: the use of an internal theoretical framework about law such as laws or government regulations. The data used is secondary data obtained from literature study.

## 2. Data Analysis

Data analysis in this research was carried out using qualitative analysis, namely descriptions carried out on the collected legal materials, one of the research procedures was to produce data by describing descriptively the data obtained by the author.

Next, it is explained and concluded using deductive thinking methods. In the deductive procedure, starting from a general proposition whose truth is already known (believed) and ending at a conclusion (new knowledge) which is more specific. In another sense, that is by drawing a conclusion from a general proposition or statement to a specific proposition or statement.

## LITERATURE REVIEW

### **Understanding Corona Virus Disease 2019 (Covid-19)**

Corona virus or severe acute respiratory syndrome coronavirus 2 (SARSCoV-2) is a virus that attacks the respiratory system. The Corona virus can cause mild problems with the respiratory system, severe lung infections, and even death. Severe acute respiratory syndrome corona virus 2 (SARS-CoV-2), better known as the Corona virus, is a new type of corona virus that is transmitted to humans. This virus can attack anyone, including babies, children, adults, the elderly, pregnant women and breastfeeding mothers. Corona viruses are a group of viruses that can infect the respiratory system.

#### 1. Clinical Manifestations

Common clinical symptoms that occur in Covid-19 patients include fever, dry cough, dyspnea, fatigue, muscle aches and headaches. The clinical symptoms that most frequently occur in Covid-19 patients are fever (98%), cough (76%), and myalgia or weakness (44%). Other symptoms that were present in patients, but were not found very often, were sputum production (28%), headaches in 8%, coughing up blood in 5%, and diarrhea in 3%, as many as 55% of the patients studied experienced dyspnea.

Clinical symptoms involving the digestive tract, namely abdominal pain, are an indicator of the severity of patients with Covid-19 infection, with 2.7% of patients experiencing abdominal pain, 7.8% of patients experiencing diarrhea, 5.6% of patients experiencing nausea and/or vomiting. Computerized Tomography of the thorax (CT chest) in patients with Covid-19 generally shows ground-glass opacification with or without combined abnormalities. Chest CT showed abnormalities bilateral, peripheral in distribution, and involving the lower lobes.

#### 2. Contagion

This transmission occurs generally through droplets and contact with the virus, then the virus can enter open mucosa. An analysis tries to measure the rate of transmission based on the incubation period, symptoms and the duration between symptoms and the patient being isolated. This analysis obtained the results of transmission from 1 patient to around 3 people around him, but the possibility of transmission during the incubation period causes the patient's contact period to

people around him to be longer so the risk of the number of contacts infected by 1 patient may be greater.

### 3. Treatment

The treatment that can be given to Covid-19 patients is still limited to providing medication according to the symptoms. If the symptoms are fever, fever-reducing medication will be given. Until now, no medicine has been found to cure this disease. One way to avoid this virus is to keep your immune system healthy.

## **General Overview of Vaccine Implementation and Vaccination Obligations**

### 1. Understanding Vaccine Implementation

The definition of implementation based on the Big Indonesian Dictionary is the process, method, act of carrying out a plan, decision, and so on. Implementation is an action or implementation of a plan that has been prepared carefully and in detail. Implementation is usually carried out after the plan is considered ready. In simple terms, implementation can be interpreted as application. Implementation is an activity or effort carried out to implement all plans and policies that have been formulated and determined, equipped with all the needs, tools needed, who carries it out, where the implementation starts and how it must be implemented, a process of a series of activities follow-up after a program or policy has been established consisting of decision making, strategic or operational steps or policies becoming a reality in order to achieve the targets of the program that was originally determined.

Implementation is an action or implementation of a plan that has been prepared carefully and in detail. Implementation is usually carried out after the plan is considered ready. In simple terms, implementation can be interpreted as application. Definition of implementation according to several experts:

- a. According to Westra, the definition of implementation is as efforts made to carry out all plans and policies that have been formulated and determined by completing all the necessary tools, who will carry it out, where it will be implemented and when it will start.
- b. According to Bintoro Tjokroadmudjoyo, the definition of implementation is as a process in the form of a series of activities, namely starting from a policy to achieve a goal, then the policy is derived into a program and project.
- c. Siagian S.P stated that the meaning of implementation is the entire process of providing work motivation to subordinates in such a way that in the end they are willing to work sincerely in order to achieve organizational goals efficiently and economically.
- d. The State Administration Institute of the Republic of Indonesia formulated the definition of implementation as an effort so that each employee or each member of the organization wishes and tries to achieve the planned goals.

### 2. Understanding Obligations

In legal science, the true meaning of obligation is the burden imposed by law on legal subjects. For example, a person's obligation to pay taxes is based on statutory provisions. "Rights give enjoyment and freedom to individuals in carrying them out, while obligations are restrictions and burdens so that what stands out in the active aspect of legal relations is rights." Furthermore, according to Sudikno Mertokusumo, rights and obligations are not a collection of rules or norms, but are a balance. power in the form of individual rights on one side which

are reflected in obligations on the opposing side. If there are rights then there are obligations.

These rights and obligations are authorized by someone by law. Obligations are grouped as follows:

- a. An absolute and relative obligation
- b. Public obligations and statements
- c. Positive and negative obligations
- d. Universal, general and special obligations
- e. Primary obligations and sanctioning obligations.

The obligation to carry out social and environmental responsibilities by companies operating in the field of and/or related to natural resources is included in the category of public obligations because it relates to public rights, namely welfare issues.

### 3. Vaccination

Handling Covid-19 in Indonesia has entered a new situation, along with news that the Covid-19 vaccine process has begun to find a bright spot. The issue of the Covid-19 vaccine has become a current discourse that many people have been waiting for, after being hit by the Covid-19 pandemic. This virus has succeeded in forcing everyone to refrain from social activities. This virus has also succeeded in forcing the government to use state power, which in Max Weber's sense, can even legally use physical violence.

The government also regulates order in society based on the legal system that is implemented and is therefore given coercive power. Even though there is a framework for protecting oneself and others that is continuously being campaigned for, such as using masks, maintaining distance, washing hands, and so on, this is not considered a solution for carrying out social activities freely. In this case, Indonesia is even predicted to become the center of the Covid-19 pandemic after Wuhan, as an assessment of the government's slowness in handling the spread.

In mid-November 2020, more than 470 thousand people were confirmed positive for Covid-19. This figure continues to increase and reached more than 1 million at the end of January 2021. Of the number of people who were confirmed positive, more than 29 thousand people died, and more than 852 thousand people recovered.

Re-encounter with the same antigen causes a more rapid and stronger secondary response. This is the basis of the function of vaccines; they encourage memory lymphocytes to multiply and the resulting plasma cells to produce antibodies. Vaccination is also a process in the body, where a person becomes immune or protected from a disease so that if one day they are exposed to that disease they will not get sick or only experience mild illness, usually by administering a vaccine.

### **General Overview of the Management of the 2019 Corona Virus Disease (Covid-19) Pandemic**

Prevention of Covid-19 can be done with preventive efforts, namely by implementing 6M+3T. The 6M+3T is as follows:

1. Using a mask

According to PMK Law no. 152 concerning Occupational Safety and Health in Health Facilities, masks or respiratory protective equipment are tools that function to protect the exhalation from microbacteria and viruses in the air, and the chemicals used. The use of medical masks is one of the preventive measures that limits the spread of certain respiratory diseases caused by the Covid-19 virus.

Based on WHO research, it emphasizes that there are things that must be considered when using cloth masks, such as the recommended cloth mask is a mask that has 3 layers of cloth. The first layer is made of hydrophilic material such as cotton, the second layer can use cotton polyester fabric and the third or outermost layer is hydrophobic or water-repellent such as polypropylene. Apart from that, cloth masks must also be replaced with new, clean masks every 4 hours.

## 2. Wash your hands

The Covid-19 virus is transmitted through droplets, namely fluids or splashes of saliva that a person expels from their nose or mouth when sneezing, coughing, or even talking. Droplets containing this virus fall on the surface of an inanimate object, then the object will become contaminated and have the potential to cause infection. If your hand accidentally touches a fomite, the virus will stick to it, then when contaminated hands touch your face, the virus will more easily enter our body through the mucosa of the mouth, nose or eyes.

## 3. Maintain distance

Maintain a distance of at least 1 meter from other people. A distance that is too close makes it possible to inhale water droplets from the nose or mouth of a person who may be infected with Covid-19 when that person sneezes or coughs.

## 4. Stay away from crowds

People are asked to stay away from crowds when outside the house. The more and more frequently we meet other people, the higher the chance of being infected with the Corona virus. Avoid crowds, avoid gathering places with friends and family, including visiting or staying in touch face to face and it is best to invite group activities, because this has a greater risk of transmitting Covid-19.

## 5. Reduced Mobility

If there is no urgent need, stay at home. Even though the body is in good health and there are no symptoms of illness, it is not certain that when you return home your condition will still be the same. According to the Indonesian Ministry of Health in 2020, it is best to stay at home for the time being and carry out religious services at home.

## 6. Maintain a healthy diet and rest

A healthy lifestyle is a pattern of living habits that adheres to the principles of maintaining health. A healthy lifestyle includes diet, maintaining personal health, getting enough rest and active exercise.

## 7. Testing (Early Examination)

Testing is an early examination of the Covid-19 virus. Early examination is very important so that you can receive treatment quickly if you are exposed to the Covid-19 virus and by knowing more quickly you can avoid the potential for transmission to other people, thereby reducing the rate of transmission of the Covid-19 virus.

## 8. Tracing (Tracking)

Tracing is tracking carried out on the closest contacts of positive Covid-19 patients. Once identified by health workers, close contacts of the patient must isolate or receive further treatment. If close contacts show symptoms when traced, they need to be tested again to the first practice, namely testing.

#### 9. Treatment (Care)

Treatment will be carried out if someone is positive for Covid-19. If it is found that there are no symptoms, the person must self-isolate in the facilities provided. On the other hand, if the person shows symptoms, health workers will provide treatment at a hospital appointed by the government.

### **RESEARCH RESULTS AND DISCUSSION**

#### **Covid-19 Vaccination Policy Based on Presidential Regulation Number 14 of 2021 Amendment to Presidential Regulation Number 99 of 2020 concerning Implementation and Procurement of Vaccinations in Efforts to Control the Covid-19 Virus**

Currently the whole world is being tested by the Covid-19 disease outbreak, including Indonesia. The initial confirmed arrival of Covid-19 in Indonesia was that it started with Indonesian citizens who were exposed to the virus from Japanese citizens in March 2020, then the virus mutated in several other areas. Based on the latest report information, the development of Covid-19 on the official media page for the latest information on emerging infectious diseases, the Ministry of Health updated on July 26 2021 at 16.00. Data on Covid-19 cases in Indonesia

In conditions like this, the policies or regulations adopted by the government greatly influence the current conditions, therefore, to overcome the problem of the spread of Covid-19, the Indonesian government has made various efforts, one of which is by implementing a mandatory vaccination program policy. This mandatory vaccination program is a policy implemented by the Indonesian government to overcome the spread of Covid-19.

The government has a responsibility for the protection and welfare of its citizens, but the actions taken must be based on statutory regulations. Currently, various countries are making efforts to develop vaccines to overcome Covid-19. The Covid-19 vaccination program has begun to be implemented in Indonesia on January 13 2021. Vaccines are chemical compounds or biological products that are given to someone to protect them from debilitating or even threatening diseases. soul. Vaccines work by stimulating the formation of immunity against certain diseases in a person's body so that the body will recognize the virus that carries the disease and know how to fight it.

Meanwhile, the vaccination program is a vaccine that is given to create and increase a person's immunity against exposure to a disease, so that if a person is exposed to a disease, it can reduce the symptoms of the disease. However, this mandatory vaccine provision is carried out by collecting data first, and every registered person is obliged to vaccinate in accordance with Presidential Regulation of the Republic of Indonesia Number 14 of 2021 concerning Amendments to Presidential Regulation Number 99 of 2020 concerning Procurement of Vaccines and Implementation of Vaccinations in the Context of Combating the Pandemic Corona Virus Disease 2019 (Covid-19) Article 13A

paragraph (2) "every person who has been designated as a target recipient of the Covid-19 vaccine based on data collection as intended in paragraph (1) is obliged to take part in the Covid-19 vaccination."

And every person who has been registered as a vaccination recipient is obliged to take part in the vaccination, if they do not take part then they may be given administrative sanctions as per Article 13A paragraph (4) "Every person who has been designated as a target recipient of the Covid-19 Vaccine who does not take part in the Covid-19 Vaccination as intended in paragraph (2) may be subject to administrative sanctions, in the form of:

- a. Postponement or termination of the provision of social security or social assistance
- b. Suspension or termination of government administration services; and/or
- c. Fine.

The implementation of these sanctions will be carried out by ministries, institutions, regions or agencies in accordance with their authority. The implementation of this mandatory vaccination if viewed from the principle of benefit, the Covid-19 vaccine has benefits including:

- a. To protect the body from being infected or avoiding symptoms of serious illness due to Covid-19
- b. Increases the body's immunity or antibodies.
- c. Reducing morbidity or death rates from Covid-19.

Law of the Republic of Indonesia Number 28 of 1999 concerning State Administrators who are Clean and Free from Corruption, Collusion and Nepotism Article 3 paragraph (3), which is meant by "Principle of Public Interest is a principle that prioritizes general welfare in a way that is aspirational, accommodating and "selective" Thus, viewed from the principle of public interest, this mandatory vaccination program is an effort taken by the Indonesian Government to reduce and control the growth rate of Covid-19 transmission, as well as reduce the death rate due to Covid-19. This vaccination not only provides protection to vaccine recipients but also for the benefit of society.

In accordance with Article 11 A paragraph (1) of Presidential Regulation of the Republic of Indonesia Number 14 of 2021 concerning Amendments to Presidential Regulation Number 99 of 2020 concerning Procurement of Vaccines and Implementation of Vaccinations in the Context of Overcoming the 2019 Corona Virus Disease (Covid-19) Pandemic, it is stated that the Government takes over the responsibility legal responsibility for safety, quality and efficacy of immunogenicity. Furthermore, paragraphs (4) and (5) state that the government is also legally responsible for cases of post-vaccination follow-up events in accordance with the provisions of laws and regulations, either before or after the determination of a public health emergency.

Then, in Presidential Regulation of the Republic of Indonesia Number 14 of 2021 concerning Amendments to Presidential Regulation Number 99 of 2020 concerning Procurement of Vaccines and Implementation of Vaccinations in the Context of Overcoming the 2019 Corona Virus Disease (Covid-19) Pandemic, Article 15 paragraph (4) regarding cases of subsequent events after Covid-19 vaccination as intended in paragraph (1) is treated and cared for in accordance with medical indications and treatment protocols.

In the next paragraph it is regulated that medical and maintenance costs are carried out with the provisions; For active national health insurance program participants, it is covered through the national health insurance mechanism, and for non-active national health insurance program participants and other than national health insurance program participants it is funded through other funding mechanisms sourced from the state revenue and expenditure budget and implemented in accordance with the provisions of laws and regulations in the field of state finance.

### **Appropriate Government Policy Regarding Issues Regarding the Implementation of Vaccination in Efforts to Control the Covid-19 Virus**

Mahfud MD interprets legal politics as legal policy or official and legitimate policy lines regarding law that will be enforced either by making new laws or by changing old laws in order to achieve state goals. In determining the laws that have been and will be enacted, legal politics provides legislative authority to state administrators while still paying attention to the state's objectives as contained in paragraph 4 of the 1945 Constitution. This also includes legal politics that must be implemented by the Government in handling the Covid-19 pandemic, whether has met the state's objectives or not.

In an effort to prevent the spread of Covid-19, the Indonesian Government has created legal policies by issuing various legal products, including Presidential Regulation number 14 of 2021, an amendment to Presidential Regulation Number 99 of 2020 concerning Implementation and Procurement of Vaccinations in Efforts to Control the Covid-19 Virus.

The situation currently occurring in Indonesia is that the government has taken a firm policy and requires the public to comply with what has been recommended and prohibited by the government because as is known, the spread of Covid-19 is very fast and widespread, as are the factors that cause the increase and spread of cases in Indonesia. every country, including Indonesia, due to mobility from human movement, this mobility has caused variants that are classified as variants of concern or VOCs to be wary of that have entered Indonesia, such as the Covid-19 virus variant B.117 from England, then B.1351 from South Africa and double mutation variant from India B.1617. With a higher and faster transmission rate to prevent this transmission, the government is making various efforts by urging the public to reduce mobility and currently the government is carrying out a mandatory vaccination program by distributing vaccines evenly to everyone who meets the mandatory vaccine criteria, in this case the government asked the public to comply and obey the presidential regulations for vaccination.

There are exceptions to this as regulated in Article 56 paragraph (1). Every person has the right to accept or reject some or all of the assistance measures that will be given to him/her after receiving and understanding information regarding the action in full. (2) The right to accept or reject as referred to in paragraph (1) does not apply to sufferers of diseases whose diseases can quickly spread to the wider community; the state of someone being unconscious; or serious mental disorders.

Because in giving vaccines, of course the medical personnel who give the vaccine have passed the competency test because before the vaccine was

distributed and the mandatory Covid-19 vaccination program was implemented, of course the government had already considered the safety aspects of the vaccine, people were the targets of the vaccine and people who were not included in the recipient group. vaccine.

The target recipients of the vaccine include residents domiciled in Indonesia who are  $\geq$  18 years old. Population groups aged under 18 years can be vaccinated if adequate vaccine safety data is available and approval for use during an emergency (emergency use authorization) or the issuance of a distribution permit number (NIE) from the Food and Drug Supervisory Agency. Regarding the side effects of Covid-19 vaccination, the government has also provided services, and while the vaccine is circulating in the community, the Food and Drug Monitoring Agency (BPOM) and the National Commission for Post-Immunization Adverse Events (Komnas KIPI) continue to monitor the vaccine.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Conclusion**

1. The legal policy that the public will accept if they refuse to be given the Covid-19 vaccine, in Article 13A paragraph 4 and paragraph 2, is that every person who has been designated as a target recipient of the Covid-19 vaccine who does not take part in the Covid-19 vaccination, may be subject to administrative sanctions in the form of: postponing or stopping the provision of social security or social assistance; Delays in administrative services cause obstacles to the implementation of controlling the spread of Covid-19. In addition to being subject to sanctions, sanctions can be imposed in accordance with the provisions of Law Number 4 of 1984 concerning infectious disease outbreaks.
2. The appropriate government policy regarding the issue of implementing vaccination in efforts to contain the Covid-19 virus is to review Presidential Decree No. 14 Article 13 A regarding the obligation that every citizen is obliged to carry out vaccination and if this is not carried out, administrative sanctions will be imposed; re-collect data regarding vaccination recipients, especially the elderly and people who have congenital diseases; and aligning the presidential decree with the contents of Health Law Number 36 of 2009 that every citizen has the right to determine the health facilities they will receive without any coercion from any party.

### **Suggestions**

1. Regarding vaccination, for successful vaccination it is necessary to carry out massive outreach about vaccination as the safest and most effective measure in preventing the Covid-19 pandemic. Socialization efforts can include relevant stakeholders, including the Indonesian Ulema Council, regarding the issue of halal vaccines. The government also needs to take a persuasive approach to groups that are against vaccination (anti-vaxxers) through health promotion strategies such as advocacy efforts, social support and community empowerment.
2. In facing similar pandemics in the future, the Government must respond quickly, take quick action oriented towards protecting the right to life and the right to health of the people. The government must not repeat the current

mistakes, the attitude of denial, slow response, and taking Covid-19 lightly when it first entered Indonesia must not be repeated again.

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