



## The urgency of Mandatory Provision of Covid-19 Vaccination Public Services

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**Abstract:** The purpose of this study is to find out and analyze the covid-19 vaccination against the provision of public services in Talaga Jaya District and the urgency of providing covid-19 vaccination requirements for the provision of public services by the Talaga Jaya District government This type of research is qualitative field research and uses random sampling. The population in the study is the people who have carried out the covid-19 vaccination. Data collection was carried out with interviews, literature studies, and documentation. The results showed that in the process of implementing the COVID-19 vaccination, there were problems. Therefore, to reach the implementation of the COVID-19 vaccination evenly, the sub-district government and village government carry out mass and door-to-door vaccinations. In the implementation of the covid-19 vaccination, it has been regulated in presidential regulation number 14 of 2021 where people who refuse the vaccine will be subject to sanctions. The policy raises polemics because vaccinations are supposed to be voluntary because they relate to the individual freedom of citizens

**Keywords:** *COvid-19 Vaccination, Rights, Obligations.*

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## 1. Introduction

Since 2020, the earth has been shocked by an extraordinary virus, which was caused by the coronavirus (covid-19). Coronavirus is a type of infection that can cause health problems from the flu to other more difficult diseases such as "*Middle East Respiratory Syndrome (MERS-CoV)*" and "*Severe Acute Respiratory Syndrome (SARS-CoV)*".<sup>1</sup> Virus or Covid attack or also called Corona Virus is a type of new disease that was initially detected in 2019. The first covid infecting humans were found in Wuhan, China. According to the information of the "*WHO (World Health Organization)*", China is the main country that reports covid cases.<sup>2</sup> Since Covid-19 spread globally, Indonesia in general for the first time the Government of Indonesia announced two cases of covid-19 positive patients in Indonesia". Since it was confirmed to enter Indonesia, based on Worldometers data, "Indonesia, which has not escaped the spread of this virus, has become the affected country with the highest number of COVID-19 deaths in Asia".<sup>3</sup>

The Covid-19 case, which is a global pandemic, has caused concern from various circles, especially the public. The public's concerns are all the more pronounced by seeing a fairly rapid spike in cases and seeing the lack of preparedness of some elements that are vital enough to "fight" the coronavirus. Seeing its distribution is so sufficient to require the government to take strategic steps. By implementing anticipatory policies to overcome the impact of COVID-19. The impact caused by the spread of Corona Virus Disease 2019 (Covid-19) is undeniably in a very poor condition. The wide scope of the affected area, as well as having implications for broad socioeconomic aspects in Indonesia, along with the increasing number of victims and property losses, is proof that the impact caused by the spread of Corona Virus Disease 2019 (Covid-19) cannot be underestimated anymore.<sup>4</sup>

The Covid-19 vaccination is one of the steps for public authorities in handling the coronavirus around the world, especially in Indonesia. The purpose of the Covid-19 vaccination is to stop the spread of the coronavirus, minimize diseases and deaths related

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<sup>1</sup> Nallul Mona, "NKonsep Isolasi Dalam Jaringan Sosial Untuk Meminimalisasi Efek Contagiouso Title," *Jurnal Sosial Humaniora Terapan* 2, no. 2 (2020): 117.

<sup>2</sup> Siska Mawaddatunnadila Yelvi Levani, Aldo Prastya, "Coronavirus Disease 2019 (COCID-19: Patogenesis, Manifestasi Klinis Dan Pilihan Terapi," *Jurnal Kedokteran Dan Kesehatan* 17, no. 1 (2021): 45.

<sup>3</sup> M. R. Puluhulawa, J., Puluhulawa, M. R. U., Swarianata, V., & Moha, "Rejection of the Implementation of the Covid-19 Protocol on Patients Who Died: A Discourse between Human Rights and Health Law in Indonesia. *American Journal of Multidisciplinary Research & Development*," *AJMRD* 4, no. 2 (2022): 53-59.

<sup>4</sup> N Bakung, D. A. H., Muhtar, M. H., & Amer, "Comparative Analysis of Legal Policies Regarding Force Major During Covid-19 Pandemic in Indonesia and China," *Civil Law Review* 3, no. 1 (2022): 8-18.

to Covid-19, obtain resilience, and protect the community from Covid-19, and protect the community and the economy.<sup>5</sup>

According to the Covid-19 Vaccine Plan in Indonesia, the vaccination that will be carried out is an important progress when preventing the spread of the disease. The coronavirus immunization program began on January 13, 2021, through the main vaccination given to the Pemimpin of the Republic of Indonesia, "Joko Widodo. " The immunization program began after the POM Agency issued an order on January 11, 2021.<sup>6</sup>

Vaccination under the Regulation of the Minister of Health of the Republic of Indonesia Number. 10 Article 3 is "the implementation of vaccinations that are expressly distributed to develop or build the immune system of a person with one disease, therefore if they are exposed to the virus they do not become weak or just I feel a mild disease and will not create an infection, spread.<sup>7</sup>

To curb the spread of COVID-19, the government has implemented a mandatory vaccination program. The government has decided to implement this policy to support the population as a whole. Vaccines are used to protect not only the welfare of workers and the public as individuals, but also their families, patients' families, and society as a whole. Because vaccines are seen as a way to stop the spread of Covid-19 through the development of individual antibody levels, it does not guarantee that immunization recipients will be immune to the coronavirus. However, preventing everyone's symptoms if they get the coronavirus will alleviate the symptoms. The indications that should be encountered are strong and dangerous, but because they have been vaccinated, they become milder.<sup>8</sup>

#### Covid-19 vaccination data in Talaga Jaya District

No	Village Name	Vaccination					%D 1	%D 2	%D 3
		Mandatory Vaccination	Already Vaccinated			Unvaccinate d			
			AT	DIE	DII I				

<sup>5</sup> Zisi Argist, "Persepsi Masyarakat Terhadap Vaksin Covid-19 Di Sumatera SelatanNo Title" (Universitas Sriwijaya, 2021).

<sup>6</sup> dkk Fitriani Gurning, "Kebijakan Pelaksanaan Vaksinasi Covid-19 Di Kota Medan Tahun 2020," *Jurnal Kesehatan* 10, no. 1 (2021): 45.

<sup>7</sup> Peraturan Menteri Kesehatan RI Nomor 10 tahun 2021 Pasal 3, "Pelaksanaan Vaksinasi Dalam Rangka Penanggulangan Pandemi Corona Virus Disease 2019" (2021).

<sup>8</sup> dkk Riska, Grace, Levina, "Kebijakan Wajib Vaksinasi Covid-19 Di Tinjau Dari Asas Manfaat, Kepentingan Umum Dan Hak Asasi Manusia," *Indonesia Law Reform Journal* 1, no. 3 (2021): 385.

1	2	3	4	5	6	7	8	9	10
1	HUTADAA	1769	172 5	127 7	3	44	97.5 1	72.1 9	0.17
2	BUNGGAL O	1381	118 4	788	4	197	85.7 3	57.0 6	0.29
3	BUHU	1459	137 0	101 0	19	89	93.9 0	69.2 3	1.30
4	BULOTA	1867	153 6	112 0	9	331	82.2 7	59.9 9	0.48
5	LUWOO	2455	216 3	141 0	20	292	88.1 1	57.4 3	0.81
	SUM	8931	797 8	560 5	55	953	89.3 3	62.7 6	0.62

Table Source. 1.1 : Talaga Jaya Subdistrict Office

Looking at the vaccination data above, it is clear that there are quite a large number of people who oppose vaccination. There are a variety of reasons why people refuse to get vaccinated, from health concerns to fear of vaccines. Vaccines have increased deaths or casualties. This is due to the inability of the body to receive the vaccine. President Joko Widodo issued "Presidential Regulation (Perpres) Number 14 of 2021 concerning Amendments to Presidential Regulation (Perpres) Number 99 of 2020 concerning Vaccine Procurement and Vaccination Implementation in the Context of Overcoming the Corona Virus Disease 2019 (COVID-19) Pandemic to carry out the vaccination program optimally".<sup>9</sup> The presidential regulation contains requirements governing the provision of vaccines and the implementation of vaccinations. One of the rules stipulated in the regulation is administrative sanctions. Article 13A paragraph (4) "Everyone who has been designated as a target recipient of the Covid-19 Vaccine who does not take part in the Covid-19 Vaccination as referred to in paragraph (2) may be subject to administrative sanctions, in the form of:

1. delay or termination of the provision of social security or social assistance,
2. delay or termination of government administrative services; and/or.
3. fine

However, the government's vaccination program has its pros and cons, especially now that anyone who refuses to be vaccinated can be subject to administrative sanctions. This makes us face a difficult position, especially for the patient's family so we then take action

<sup>9</sup> Presidential Regulation of the Republic of Indonesia Number 14 of 2021, "Amendments to Presidential Regulation Number 99 of 2020 concerning Vaccine Procurement and Vaccination Implementation in the Context of Overcoming the Corona Virus Disease 2019 (Covid-19) Pandemic" (2020).

to ask medical personnel to revoke or stop the function of the patient's life support medical device that causes the patient to die.<sup>10</sup>

Similarly, people in Kecamatan Talaga Jaya who followed the circular letter of the Regent of Gorontalo Number: 360 / BPBD / 419 / IX / 2021 to follow up on "Presidential Regulation Number 14 of 2021", that the community in Talaga Jaya District, also participated in implementing the rule

Therefore, the government cannot impose the will of the people because so far the people have also accepted most of what has become provisions such as the PSBB where many people have lost their livelihoods and so on.

The state, especially the government, is responsible for the security, development, enforcement, and fulfillment of basic human freedoms, under (Article 28 I paragraph (4) of the 1945 Constitution). This implies that one of the obligations of the state is to provide services to the entire community to fulfill the wishes and basic rights in the sphere of public services.<sup>11</sup>

The basic concept of human rights according to John Locke is that human rights are natural rights that are inherent in each person during his lifetime and cannot be seized by others. But this opinion of Locke was opposed by Jeremy Bentham, a utilitarian philosopher from England, Bentham criticized the fundamental that the theory of natural rights could not be confirmed and verified to be true, rights are nouns where rights and law are the same things. However, the criticism from utilitarian and positivist circles did not make the theory of natural rights forgotten, natural law existed again at the end of World War II. The term Human Rights, according to Djoko Prakoso and Djaman Andhi Nirwanto suggests that in social and state life, human rights are also called human rights, natural rights, basic and indubitable freedoms, fundamental rights, and civil rights.<sup>12</sup> The fundamental principle is the recognition that every human being has the same dignity, fundamental rights, and obligations regardless of ethnicity, race, gender, religion, and social status because God has created this which has become nature for man.

"Human Rights are a set of privileges that are focused on the reality and presence of man as a creature of God Almighty, are also His gifts that must be glorified, and must be guarded by the state, regulations, governments, and everyone. for the honor and

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<sup>10</sup> S. Y Badu, L. W., Puluhalawa, J., & Imran, "Involuntary Mercy Killing During the Covid-19 Pandemic in the Perspective of Health Law in Indonesia. In 2nd International Conference on Law Reform," (*INCLAR 2021*) Atlantis Press 590 (2021): 24-27.

<sup>11</sup> Undang-Undang Dasar 1945, "Pasal 28 I Ayat (4)" (n.d.).

<sup>12</sup> dll Riska Agustina, Grace Sharon, Levina Yustitiantingtyas, "Kebijakan Wajib Vaksinasi Covid-19 Di Tinjau Dari Asas Manfaat, Kepentingan Umum Dan Hak Asasi Manusia," *Indonesia Law Reform Journal* 1, no. 3 (2021): 8.

guarantee of human dignity," reads Article 1 paragraph (1) of Law Number 39 of 1999.<sup>13</sup> Therefore, human rights are obligations inherent in human beings as human beings that must be justified by the government.

Just as the protection of human rights is protected by the state, it means that the state cannot restrict the rights and freedoms of every citizen because human rights are classified as non-derogable rights meaning human rights that cannot be reduced in fulfillment even in an emergency. However, since the Covid-19 pandemic like this, Indonesia has experienced a state of emergency that threatens the economy and the lives of citizens, requiring the government to take firm policies to overcome the spread of Covid-19 so that there are human rights that cannot be fulfilled, these human rights are classified as derogable rights, meaning rights that can be limited in their fulfillment, as for rights that are restricted in emergencies such as the right to assemble and the right to assemble to move.

Based on the explanation above, researchers are interested in conducting analytical research on the obligation of covid-19 vaccination for the provision of public services in the Talaga Jaya district, and also not all regions of Indonesia implement this policy and the implementation of this mandatory Covid-19 vaccine policy is a step or effort by the Gorontalo Regency government to achieve the Covid-19 vaccination target

Thus, researchers are interested in conducting research related to the Analysis of the Obligation of Covid-19 Vaccination towards The Provision of Public Services in Talaga Jaya District.

## **2. Method**

This type of research is empirical normative research, using a *statutory* approach (statute approach) and a *case approach* (*case approach*). This research uses data analysis techniques with deductive logic, deductive logic, or processing legal materials in a deductive way, namely explaining something general in nature and then drawing it into more specific conclusions.

## **3. Analysis And Discussion**

### **The Urgency of Providing Mandatory VCovid-19 Actions to Public Services by the Talaga Jaya District Government**

An obligation is something that must be carried out, a necessity (something that must be carried out). It can be interpreted that an obligation is everything that must be fulfilled

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<sup>13</sup> Law Number 39 of 1999, "On Human Rights" (n.d.).



so that it can obtain rights afterward. This is very relevant to the obligations and rights of citizens in expressing their opinions in public so that it can be used to review the meaning and limitations of the right to free speech in public.

Previously born and the onset of obligations is due to the following:

1. Because it is obtained such rights that impose conditions for fulfilling obligations
2. Based on an agreement that has been agreed upon
3. The existence of a person's mistake or negligence that causes harm to others, so he is obliged to pay compensation For having enjoyed certain rights that must be balanced with certain obligations.
4. Because daluarsa (Vernet) fines example

The regulation regarding vaccination is stated in Presidential Regulation Number 99 of 2020, which is then amended in several provisions of Presidential Regulation Number 14 of 2021, as well as Presidential Regulation Number 50 of 2021, where the Ministry of Health as the implementer of COVID-19 vaccination as in Article 13 of Presidential Regulation No. 14 of 2021 has the authority to determine the criteria and priorities of vaccine recipients, the priority of vaccine recipient areas, schedule and stages of vaccine administration, and vaccination service standards.

The determination must pay attention to considerations for handling COVID-19 and national economic recovery. Phasing and determining priority groups of vaccine recipients is carried out by taking into account the Roadmap of the WHO Strategic Advisory Group of Experts on Immunization (SAGE) and a study from the National Immunization Expert Advisory Committee. Everyone who has been designated as a target recipient of the vaccine is required to take the COVID-19 Vaccination. People who refuse vaccination are threatened with administrative sanctions based on Presidential Regulation of the Republic of Indonesia Number 14 of 2021 concerning Amendments to Presidential Regulation Number 99 of 2020 concerning Vaccine Procurement and Implementation of Vaccination in the Context of Overcoming the Corona Virus Disease 2019 (Covid-19) Pandemic Article 13A paragraph (4) "Everyone who has been designated as a target recipient of the Covid-19 Vaccine who does not take part in the Covid-19 Vaccination as referred to in paragraph (2) may be subject to administrative sanctions, in the form of a) delay or termination of the provision of social security or social assistance, b) delay or termination of government administrative services; and/or c) fines.<sup>14</sup>

The imposition of administrative sanctions as referred to in paragraph (4) is carried out by ministries, agencies, local governments, or agencies according to their authority. Meanwhile, people who do not take part in the COVID-19 vaccination cause obstruct the

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<sup>14</sup> Law Number 39 of 1999.

implementation of countermeasures to contain the spread of COVID-19, in addition to being subject to sanctions in Article 13 A paragraph (4) may be subject to sanctions under the provisions of the Law on infectious disease outbreaks.

The imposition of administrative sanctions as referred to in paragraph (4) is carried out by ministries, agencies, local governments, or agencies according to their authority. Meanwhile, people who do not take part in the COVID-19 vaccination cause obstruct the implementation of countermeasures to contain the spread of COVID-19, in addition to being subject to sanctions in Article 13 A paragraph (4) may be subject to sanctions under the provisions of the Law on infectious disease outbreaks.

In implementing the mandatory covid-19 vaccine policy, there are groups or criteria for individuals who are not allowed or will experience delays in administering the Covid-19 vaccine, especially at doses of the Sinovac vaccine or other vaccines. The followings are the criteria or requirements for the Covid-19 vaccine based on physical health,

1. A person who has a fever or a body temperature of  $\geq 37.5^{\circ}\text{C}$  will experience a delay in administering the vaccine until the person recovers. This is because fever is one of the symptoms of Covid19 disease. Therefore, it is recommended for vaccine participants to first check whether the fever suffered is a symptom of Covid-19 infection or not.
2. A person with high blood pressure disease with a measurement result of  $>180/110$  cannot be given a dose of the vaccine. This is because people with hypertension are not allowed to receive the Covid-19 vaccine because of the precautionary principle. Considering that the Covid-19 vaccine is a new vaccine whose study data is not enough.
3. HIV patients with a CD4 number of  $<200$  or unknown are also unable to receive a vaccine dose
4. People with pulmonary diseases (such as asthma, COPD, and tuberculosis) will experience delays in administering the vaccine. It needs recommendations from a lung specialist.
5. For Other diseases that are not mentioned above, it is necessary to consult a doctor if a disease is detected after conducting a screening process

The community itself has pros and cons related to the implementation of vaccination in Indonesia. The government through the Deputy Minister of Law and Human Rights said that the COVID-19 vaccination is part of the obligation of all citizens to at least be able to realize the public health

It is known that if you do not take the vaccination, you can be subject to administrative sanctions as described above. It is considered by some people that the mandatory Covid-19 vaccination program has violated or contradicted human rights because this



vaccination program is considered to impose the will of the government and does not favor people who do not want to be vaccinated. Because everyone has the right to determine health services for himself it is contrary to the Law of the Republic of Indonesia Number 36 of 2009 concerning Health, Article 5 paragraph (2): "Everyone has the right to obtain safe, quality, and affordable health services." and subsection (3) "Every person has the right to independently and responsibly determine for himself the necessary health services for himself".<sup>15</sup> The vaccination itself is also included in the scope of health in the scope of public services which are regulated in the laws and regulations providing legal consequences in the form of rights and obligations to the community and also the implementation of public services.

However, along with the distribution of vaccines given to the public, reports of suspected cases of post-Covid-19 vaccination events began to appear in various media and had an impact on people's interest in participating in vaccinations. This is based on the alleged post-Covid-19 vaccination events in mass media such as TV, Facebook, and Youtube which caused the impact of delayed distribution and vaccination targets in several regions.<sup>16</sup>

Not only that, with a lot of fake news and news that scares the public such as side effects after the vaccine, some people refuse to vaccinate. Fake news has spread and caused public confidence in the effects of vaccination so the implementation of mandatory vaccination has experienced rejection from the public because some people are still not sure and believe in the covid-19 vaccine.

Even though administrative sanctions have been applied, in practice there are still some people who still do not want to be vaccinated, so another effort taken by the government to foster a sense of public trust in the post-vaccination follow-up event is to convey to the Heads of Provincial Health Offices and Heads of District/City Regional Health Offices to do the following things :

- a. Make preparations and internal conditions so that each health department has the same understanding of the situation at hand so as not to make inappropriate speculations and cause public unrest.<sup>17</sup>
- b. Collaborating with the mass media by embracing and providing socialization of the vaccination program to national and local mass media who stick to data and facts to avoid speculation of personal opinions and make a holding statement that

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<sup>15</sup> Law of the Republic of Indonesia Number 36 of 2009, "On Health, Article 5 Paragraphs 2 and 3" (n.d.).

<sup>16</sup> Circular Letter Number HK.02.02/II/10459/2021, "About the Mitigation of the Impact of Reporting on Events After Covid-19 Vaccination" (n.d.).

<sup>17</sup> Ibid

is immediately submitted to the news of the case of suspected follow-up events after the Covid-19 vaccination, among others:

- a) Covid-19 vaccination aims to protect yourself, your family, and people around them from the risk of pain and death due to the SARS-COV2 virus
- b) The vaccines currently in use are safe, quality, and useful. The PoM Agency has issued an Emergency Use Authorization (EUA) emergency use permit and the Indonesian Ulema Council (MUI) has also issued a fatwa stating the vaccines used are halal and can be used;
- c) Komnas KIP/Komda KIP is tasked with monitoring, reviewing, and tackling cases suspected to be related to immunization/vaccination, including the Covid-19 Post-Vaccination Lkutan Incident. So far, serious post-Covid-19 vaccination incidents are very rare. The cases that have occurred recently are relatively mild, in the form of local (rash, swelling, muscle pain) or systemic (fever, nausea) reactions; and
- d) the implementation of the Covid-19 vaccination using clear Standard Operating Procedures (SPO), officers/vaccinators have been trained, including to overcome cases of post-Covid-19 vaccination events

Based on what was revealed by Mr. Lotang Abdullah when he said that covid-19 vaccination is mandatory where there is already a regulation of this so that the community must carry out covid-19 vaccination, this is under the direction of the national government and local governments to immediately accelerate the handling of covid-19 through mandatory vaccines.

Based on this, it can be known that the government is planning the obligation of the vaccination program to prevent the spread of Covid-19. The policy is seen as violating the Rights of citizens. Moreover, the quality of the vaccine is still questionable in reliability and side effects. So the mandatory administration of the covid-19 vaccine in Talaga Jaya District can be said to violate human rights.

Vaccination in the perspective of human rights is directly proportional to the basic obligation of a person to respect the human rights of others and to society as a whole so that the Covid-19 vaccination program in this emergency becomes an obligation to respect the right of others to achieve the highest degree of health. Through vaccination the government seeks to provide life safety and health to the public under the adagium of the law, namely *Salus Populi suprema lex esto* (the salvation of the people is the supreme law) that the Indonesian constitution has provided constitutional guarantees for the right to life and the right to health.

Vaccination is mandatory but clashes with body integrity, freedom to choose, or violates personal life vaccination obligations in an emergency are logical reasons for ensuring *public health (Public Health)*. From the perspective of human rights, vaccination can be a

strong foundation in providing legitimacy for mandatory vaccination policies and protecting individual rights and the public interest. Restrictions on human rights must be accompanied by reasons for permissible restrictions. among them for legitimate, indispensable purposes, and proportionate.

Human rights are a legal concept and norm that explains that humans have birth rights that apply anytime and anywhere. According to Lubis and Sodeli (2014: 9-10), the cause of human rights violations, in general, is selfishness or over-selfishness, according to Lubis and Sodeli (2014: 9) selfishness will cause a person to always demand his rights, while his obligations are often ignored. A person who has this attitude will justify all means so that his rights can be fulfilled, even if this method may violate the rights of others. The same thing is also expressed by Cipto, et al. (2002: 150) that society generally tends to prioritize the fulfillment of their respective human rights, without regard to their human obligations toward others. This can certainly cause the attitude of respecting the rights of others to be lost and most likely it can lead to human rights violations.

Low awareness of human rights will be one of the factors causing human rights violations. According to Lubis and Sodeli (2014: 9), this will cause perpetrators of human rights violations to act arbitrarily. Perpetrators do not want to know that others also have human rights that must be respected. This attitude of not wanting to know results in the emergence of behavior or acts of deviation toward human rights

Intolerant attitudes according to Lubis and Sodeli (2014: 9) expressing intolerant attitudes will lead to the emergence of mutual disrespect and disrespect for the position or existence of others. This attitude will eventually encourage people to discriminate against others

The abuse of power in the community there is a lot of power that is in vogue. According to Lubis and Sodeli (2014: 9) power here not only refers to government power but also other forms of power found in society. One of them is power in the company. Employers who do not care about their workers' rights violate human rights. Therefore, any abuse of power encourages the emergence of human rights violations.

The indecisiveness of law enforcement officials, including Lubis and Sodeli, law enforcement officials who do not act decisively against any human rights violations, will certainly encourage the emergence of other human rights violations. Incomplete resolution of cases of violations will be the trigger for the emergence of other cases, the perpetrators will not feel a deterrent, because they do not receive strict sanctions for their actions. In addition to this, law enforcement officials who act arbitrarily are also a form of human rights violations and become a bad example, and can encourage the emergence of human rights violations committed by the community in general. misuse of technology.

In this vaccination program, everyone has the right to give arguments and make decisions about whether or not to accept the vaccine without the slightest coercion. This means that the government must seek this vaccination process voluntarily. The existence of a threat to public services to people who refuse vaccination is a violation that imposes something without any willingness from one of the parties. In this case, the public service is faced with two choices, where when refusing to be vaccinated, the punishment and dismissal are waiting, but when the public service receives to be vaccinated, it must also accept all existing programs regardless of its doubts and distrust of vaccination. Therefore it can be concluded that policies are intolerant of one's decisions as well as one's choices.

There are pros and cons in the community regarding the obligation to vaccinate. Some people think that the obligation to vaccinate people violates human rights. Basically, for health matters, every citizen has the right to determine the health services needed for himself (article 5 paragraph 3 of Law Number 36 of 2009 concerning Health. It is even emphasized in article 56 paragraph 1 of the same Law, that everyone has the right to receive or refuse relief measures after receiving health data information.

However, if you look at the virulence rate of COVID-19 which has a high risk of death, then the government has a big role in overcoming it. Because indirectly COVID-19 has threatened the right to life of citizens that have been guaranteed by the constitution. This means that the vaccination obligation in this case is a form of the government fulfilling and guaranteeing the right to life of citizens. This is in line with article 28A which states that everyone has the right to maintain his life and life.

Furthermore, when referring to the classification of human rights in Indonesia, is divided into 2 (two) namely non-derogable rights and derogable rights. The right to life is a right that cannot be restricted. This is stated in article 28I which states that the right to life is a human right that cannot be reduced under any circumstances or non-derogable rights. So it can be said that a vaccination obligation is a form of government fulfillment of non-derogable rights. In the context of the COVID-19 Pandemic, to maintain life, people are required to vaccinate.

If the government does not launch a mandatory vaccination program, then the right to life of citizens is not guaranteed. Given the high level of virulence of COVID-19 that causes death. This is evidenced by statistical data on deaths that occurred due to confirmed positive COVID-19 before the launch of the vaccination program by the government. As of May 15, 2021, the death rate due to COVID-19 in Indonesia was 2.27%. Then on August 24, 2021, the death rate of COVID-19 patients in Indonesia reached 3.2%. This number has proven to exceed the world average. The world average is 2.09%. The high mortality rate in Indonesia has caused Indonesia to be ranked as the 9th highest

cumulative death rate in the world.<sup>18</sup> This means that the death rate in Indonesia due to COVID-19 continues to increase before mandatory vaccination for the community.

Therefore, it can be said that through this vaccination obligation program, the government has succeeded in providing guarantees of the right to life of Indonesian citizens. In the context of the COVID-19 Pandemic, the government must provide the guaranteed right to life for its citizens. Because of this obligation, vaccination has also become mandatory for the government and citizens.

In simple terms, it can be interpreted that something that is not mandatory, can become mandatory if it becomes a condition for the implementation of an obligation. Thus, when associated with vaccination, vaccination is not an obligation but a citizen's right. However, because vaccination is closely related to the government's obligation to guarantee the right to life, and the right to obtain health services, vaccination is mandatory. When vaccination is not mandatory, it means that the government cannot carry out its obligations in guaranteeing the rights of citizens.

#### **4. Conclusion**

Based on the results of the analysis and discussion that have been described above, it can be concluded that the urgency of providing mandatory conditions for the COVID-19 vaccine aims to protect themselves, their families, and those around them from the risk of pain and death due to the SARS-COV2 virus. The government plans an obligation for the vaccination program to prevent the spread of Covid-19. In this vaccination program, everyone has the right to give arguments and make decisions about whether or not to accept the vaccine without the slightest coercion. The existence of a threat to public services to people who refuse vaccination is a violation that imposes something without any willingness from one of the parties. Furthermore, when referring to the classification of human rights in Indonesia, is divided into 2 (two) namely non-derogable rights and derogable rights. The right to life is a right that cannot be restricted. This is stated in article 28I which states that the right to life is a human right that cannot be reduced under any circumstances or nondelegable rights. So it can be said that a vaccination obligation is a form of government fulfillment of non-derogable rights. In the context of the COVID-19 Pandemic, to maintain life, people are required to vaccinate. If the government does not launch a mandatory vaccination program, then the right to life of citizens is not guaranteed.

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<sup>18</sup> Fitria Chusna Farisa, "Indonesia Ranked 9th Highest Covid-19 Patient Deaths in the World," Kompas National, 2020, <https://nasional.kompas.com/read/202108/24/18233971/indonesiaperingkat-9-kematian-pasien-covid-19-tertinggi-di-dunia>.

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