



Implementation of the Covid-19 Vaccination During a Pandemic: Review from a Human Rights Perspective

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Abstract

The vaccination program aimed at all Indonesians is one of the Government's efforts to control the spread of the corona virus (covid-19). In order to guarantee the rights of the community in implementing the program, there is a need for an in-depth study of the implementation of the Covid-19 vaccination program from a human rights perspective. This study uses a normative legal research type, with a conceptual approach.

Keywords: *Human Rights; Covid-19 Vaccination*

Introduction

The Indonesian government carries out a vaccination program to suppress the spread of COVID-19 as contained in Presidential Regulation No. 14 of 2021 concerning Vaccine Procurement and Implementation of COVID-19 Vaccination which contains the obligation to vaccinate.

Health is the most important aspect that must be guaranteed by the Government in accordance with Article 28 H paragraph 1 of the 1945 Constitution of the Republic of Indonesia which reads "Every person has the right to live in prosperity, physically and mentally, to live, to have a good and healthy living environment, and to have the right to health services." And in Article 28 H paragraph (3) of the 1945 Constitution of the Republic of Indonesia regulates human rights related to the right of the community to obtain social security that allows self-development in society as human beings who have themselves in society.

Regulation of the Minister of Health of the Republic of Indonesia No. Article 3 Vaccination is the administration of a vaccine that is specifically given to cause or gain a person's immunity actively against a disease, where if at a certain time exposed to a disease, he will not get sick or only cause mild illness and will not cause a source of transmission. Presidential Decree No. 14 of 2021 concerning the Procurement of Vaccines and Implementation of the COVID-19 Vaccination, which contains the obligation to vaccinate, creates conflict in the community. According to them, the Covid-19 vaccination program is a human right, where every individual has the right to choose health facilities for himself.

Protecting human rights is the responsibility of the state to fulfill democratic principles where the government actually plays a role in protecting the rights of its citizens.

Research Methods

This research is included in normative legal research or also known as legal literature research theoretically, which is based on what is designed in the rules or rules that apply in society, and becomes the basis for people's attitudes and behavior.¹ The legal materials used in this study include primary legal materials and secondary legal materials.

This research uses a Conceptual Approach. The approach is carried out by seeking and examining views and doctrines.² This approach is the basis for helping researchers to better understand the principles contained in the laws and regulations in conducting analysis.³

Discussion

Implementation of the Covid-19 Vaccination during the pandemic from the point of view of Human Rights.

Implementing human rights norms on the right to health, so here is the obligation for the state to fulfill the principles of human rights, namely: the availability of health services, accessibility, namely facilities provided for all people with the aim of realizing equal opportunities in all aspects of life, acceptance and quality.

Meanwhile, the state's obligation to fulfill the right to health can be realized through government policies using the principles: respecting the right to health, protecting the right to health, and fulfilling the right to health.

Law Number 36 of 2009 concerning Health letter a reads that health is a human right and one of the elements of welfare that must be realized in accordance with the ideals of the Indonesian nation as referred to in Pancasila and the 1945 Constitution of the Republic of Indonesia.

Article 1 point 1 determines that health is a healthy state, both physically, mentally, spiritually and socially, which enables everyone to live socially and economically productive lives. Article 4, everyone has the right to health.

Article 9 paragraphs (1 and 2), that everyone is obliged to participate in realizing, maintaining, and improving the health status of the community as high as possible. The obligations as referred to in paragraph (1) shall cover individual health efforts, public health efforts, and health-oriented development.

Article 11, that everyone is obliged to behave in a healthy life to realize, maintain, and promote the highest possible health.

Article 6 states that everyone has the right to a healthy environment for the achievement of health status. Article 12 states that everyone is obliged to maintain and improve the health status of others who are their responsibility.

¹ Ishaq, *Metode Penelitian Hukum*, Cetakan Kesatu, Alfabeta, Bandung, 2017, hlm.66.

² Peter Mahmud Marzuki, *Penelitian Hukum Edisi Revisi*, Cetakan ke-10, Prenada Media Grup, Jakarta, 2015, hlm. 177.

³ Peter Mahmud Marzuki, *Ibid*, hlm. 137.

Article 46 states that in order to realize the highest health status for the community, integrated and comprehensive health efforts are carried out in the form of individual health efforts and public health efforts.

Article 47, which reads that health efforts are carried out in the form of activities with normative, promotive, preventive, curative and rehabilitative approaches that are carried out in an integrated, comprehensive and sustainable manner.

Article 48, the implementation of health efforts as referred to in Article 47 is carried out through and among others are letters c and d, namely, health promotion and disease prevention, and disease healing and health restoration. Article 52 paragraph (1) letters a and b are individual health services and public health services. Article 53 paragraphs (1 and 2) states that individual health services are aimed at curing diseases and restoring the health of individuals and families, while public health services are aimed at maintaining and improving health and preventing diseases of a group in society. Article 62 paragraph (2), disease prevention is all forms of efforts made by the government, regional government and/or the community to avoid or reduce the risks, problems, and adverse effects of disease.

The degree of public health is influenced by one factor, namely health services, this is because the existence of health facilities is a determinant of health recovery services, disease prevention, treatment and nursing.

Health services have an impact on the location of a place, so that a person can reach these health services. The easier it is to access health services, the better the health status, and vice versa. The reasons for health services that can affect health can be seen, one of which is:

The existence of good health facilities and infrastructure will make it easy for the community to obtain good and quality health services. Where in this case the target of public health is the individual family, and special groups include those who are healthy and those who have problems.⁴ The development goals towards a Healthy Indonesia are the level of health such as a significant increase in life expectancy, a decrease in maternal and infant mortality, a decrease in morbidity without important diseases, a decrease in disability and dependency, an increase in the nutritional status of the community, and a lower level of disability.⁵

Vaccination is the administration of vaccines (antigens) that can cause the formation of immunity (antibodies) of the immune system in the body. Vaccination is a very good primary prevention effort in preventing diseases that can be prevented by vaccination. With the correct vaccination procedure, it is hoped that optimal immunity will be obtained. The immune system against a disease will be formed naturally when a person is infected with a virus or bacteria that causes it.

The covid-19 vaccination is carried out after there is certainty about its safety and ability, is an effort to reduce the level of morbidity and mortality and encourage the formation of group immunity.⁶

The first thing that needs to be known and understood is that vaccines are substances or substances that can be used to fight certain diseases, because vaccines contain attenuated or dead viruses. Then the virus functions to detect when the virus attacks the body. The immune system then fights the virus that infects the body. Thus the Covid-19 vaccine can cause the formation of immunity or antibodies, the immune system in the body. The existence of the correct vaccination procedure is expected or obtained maximum immunity, with the body's immune system against a disease the way to form an immune system.

⁴ Rina Sari, *Dasar Ilmu Kesehatan Masyarakat Untuk Mahasiswa Kebidanan*, PT. Pustaka Baru, Yogyakarta, tt, hlm. 11-12.

⁵ *Ibid*, hlm.22

⁶ M. Rifaldi, *Pandemi Virus Corona*, Cetakan ke-01, Yayasan Sahabat Alam Rafflesia, Bengkulu, 2021, hlm.86.

Conclusion

Covid-19 as a new disease variant certainly has a limited level of information and knowledge related to its prevention and handling. As a result of this pandemic, the government issued a policy to program vaccinations for the entire community. In this time of the Covid-19 pandemic, the issue of the right to health becomes very important.

The policy that was formed by the government during the Covid-19 pandemic was the implementation of the Covid-19 vaccination. Data on the Coverage of the Covid-19 Vaccine in Indonesia for the second dose was 127,453,800 people or 61.20 percent of the total target. The government has set a vaccination target to achieve herd immunity, which is 208,265,720 people.

Where this is the case, there is still inequality in recipients of the Covid-19 vaccine, especially in vaccine coverage for the elderly, which is still low compared to other groups. Where the elderly are the most vulnerable group. On the other hand, there are also deviations from booster vaccines, many public complaints, especially in accessing health facilities and reports related to booster vaccines.

The importance of a social approach by several stages of society is very precisely needed so that human rights are fulfilled.

Health is a human right and is one of the elements of welfare that must be realized in accordance with the ideals of the Indonesian people as referred to in the Pancasila and the 1945 Constitution of the Republic of Indonesia. Therefore, vaccination is carried out in order to realize communal immunity (herd immunity). for all people in the world, especially in Indonesia.

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