

COVID-19 Vaccination Policy Based on the Law on Handling of the Covid-19 Pandemic in Indonesia

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Abstract. The rules regarding the implementation of the COVID-19 vaccination in Indonesia are not explicitly stated in Law no. 2 of 2020 but contained in various implementing regulations. The next issue is Presidential Regulation (Perpres) No. 14 of 2021, as an implementing regulation, provides administrative sanctions for those who refuse the COVID-19 vaccine. The problems in this research are: (1) How is the government's work program in carrying out the policy for handling the COVID-19 pandemic in Indonesia? (2) What is the purpose of the government work program which includes administrative sanctions for running the COVID-19 vaccination program in Indonesia? The method used in this legal research is a normative legal research method with an analytical descriptive legal approach. The results of this study are the government's work program in implementing the COVID-19 vaccination as stipulated in Presidential Decree No. 99/2020 j.o Presidential Decree No. 14/2021 j.o Presidential Decree No. 50/2021 as well as several implementing regulations such as Ministerial Regulation Regulation of the Minister of Health No.10/2021 j.o Permenkes No.18/2021 j.o Permenkes No.19/2021 j.o Permenkes No.23/2021 has been aligned with the legal politics of handling the COVID-19 pandemic in Indonesia as stated in Law No. 2/2020. The existence of administrative sanctions in the work program is an effort to support proof of national health from the COVID-19 pandemic.

Keywords: Policy, Work Program, Administrative Sanctions, Implementation, COVID-19 Vaccination, Indonesia.

1 Introduction

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution of the Republic of Indonesia) states that the state of Indonesia is a state of law. Constitutional law expert Tahir Azhary [1] provides an understanding of the Indonesian state as a legal state based on Pancasila which means:

“There is the term Pancasila legal state which by the founding fathers is nothing but a welfare state, namely a prosperous state full of physical (material) and spiritual (spiritual) prosperity.”

The state of Indonesia as a state of law causes the applicable law in this country to function to ensure the realization of justice for every individual and all citizens [2]. The existence of this embodiment of justice can be seen from the various efforts made by the state to protect all its citizens when facing a problem. [3]

One of the problems currently the biggest concern is the phenomenon of the spread of Coronavirus Disease 2019 (COVID-19) in Indonesia. Infections caused by this virus can generally cause mild respiratory illness, severe respiratory illness, and even death. Based on data from the World Health Organization (WHO), as of January 31, 2022, globally, the number of people confirmed to be infected with COVID-19 has reached 373,229,380 people, while on a national scale, the number has reached 4,353,370 Indonesians [4].

Article 34 paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that "the state is responsible for the provision of proper health care facilities and public service facilities," so, in a pandemic situation like this, the Indonesian government is obliged to formulate legal politics as an effort to be able to cope with COVID-19 [5]. Indonesian legal politics in dealing with the spread of COVID-19 then became a government guideline in forming legal policies related to efforts to control the spread of this virus, such as providing health service facilities for the community as well as a means to be able to review any legal products related to this matter. [6]

Law No. 2 of 2020 concerning Stipulation of Government Regulation in Lieu of Law No. 1 of 2020 concerning State Financial Policy and Financial System Stability for Handling the Corona Virus Disease 2019 (COVID-19) Pandemic and/or In Facing Threats That Endanger the National Economy and/or Financial System Stability Being a law (hereinafter referred to as Law No. 2/2020) which was passed on May 18, 2020, is legal politics in dealing with the COVID-19 pandemic in Indonesia. [7]

One of the policies related to efforts to contain the spread of COVID-19 is health services in the form of implementing COVID-19 vaccination in Indonesia. The implementation of the COVID-19 vaccination in Indonesia has been legal to be carried out since the enactment of implementing regulations from Law No. 2/2020, namely Presidential Regulation No. 99 of 2020 concerning Vaccine Procurement and Vaccination Implementation in the Context of Combating Corona Virus Disease 2019 (COVID-19) (hereinafter referred to as with Presidential Decree No. 99/2020) on October 5, 2020. Vaccination is planting weakened disease seeds into the human body so that they become immune to the disease [8, 9].

Presidential Decree No. 99/2020 is Indonesia's first legal basis for vaccination. As for the consideration of Presidential Decree (*Peraturan Presiden/Perpres* No. 99/2020, it is stated that in the context of overcoming the COVID-19 outbreak/pandemic and maintaining public health, it is necessary to accelerate and ensure the procurement of vaccines and the implementation of COVID-19 vaccinations. Therefore, accelerating the procurement of COVID-19 vaccines and COVID-19 vaccinations requires extraordinary steps and special arrangements for procurement and implementation. [10]

Changes in the situation that occurred in Indonesia over time led to Presidential Decree no. 99/2020 was then successively amended through Presidential Regulation No. 14 of 2021 concerning the (First) Amendment to Presidential Regulation No. 99 of 2020 concerning Vaccine Procurement and Vaccination Implementation in the Context of Combating Corona Virus Disease 2019 (COVID-19). The regulation was amended again through Presidential Regulation No. 50 of 2021 concerning the Second Amendment to Presidential Regulation No. 99 of 2020 concerning Vaccine Procurement and Vaccination Implementation in the Context of Combating Corona Virus Disease 2019 (COVID-19).

What then became a problem was when legal experts began to highlight various changes in the legal content in these presidential regulations which were not directly mandated in Law no. 2/2020, even the rules regarding public health policy in the form of the implementation of the COVID-19 vaccination are not contained in a single article in Law No. 2/2020 which is the juridical basis for the formation of these presidential regulations.

The next problem arose when Presidential Regulation No. 14 of 2021 concerning the (First) Amendment to Presidential Regulation No. 99 of 2020 concerning Vaccine Procurement and Vaccination Implementation in the Context of Combating Corona Virus Disease 2019 (COVID-19) (hereinafter referred to as Presidential Decree No. 14/2021) instead states that:

“Every person who has been designated as the target recipient of the COVID-19 Vaccine who does not participate in the COVID-19 Vaccination 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 cessation of government administration services; and/or (c) fines.”

The administrative sanction imposed on everyone who does not participate in the vaccination or refuses to be vaccinated against COVID-19 is still in effect even though Presidential Decree No. 14/2021 was amended again using Presidential Regulation No. 50 of 2021 concerning the Second Amendment to Presidential Regulation No. 99 of 2020 concerning Vaccine Procurement and Vaccination Implementation in the Context of Combating Corona Virus Disease 2019 (COVID-19) (hereinafter referred to as Presidential Decree No. 50/2021); thus, the sanctions are still in effect today.

The presidential regulations above, especially those related to the implementation of the COVID-19 vaccination, were then followed up with the formulation of various policies through several derivative regulations under it. Article 16 Presidential Regulation No. 99/2020 states, "Further provisions regarding the implementation of COVID-19 Vaccination as regulated in Article 13, Article 14, and Article 15 are regulated by a Regulation of the Minister of Health."

Minister of Health Regulation No. 10 of 2021 concerning the Implementation of COVID-19 Vaccination (hereinafter referred to as Permenkes No. 10/2021) was stipulated on February 24, 2021, in the context of implementing Article 16 of a quo presidential regulation. However, changes in the situation in society then cause this legal rule also to be updated through [11, 12]:

1. Regulation of the Minister of Health No. 18 of 2021 concerning Amendments to Regulation of the Minister of Health No. 10 of 2021 concerning the Implementation of Vaccination in the Context of Overcoming the COVID-19 pandemic (hereinafter referred to as Permenkes No. 18/2021);
2. Regulation of the Minister of Health Number 19 of 2021 concerning the Second Amendment to Regulation of the Minister of Health No. 10 of 2021 concerning the Implementation of Vaccination in the Context of Combating the COVID-19 pandemic (hereinafter referred to as Permenkes No. 19/2021); and
3. Regulation of the Minister of Health No. 23 of 2021 concerning the Third Amendment to Regulation of the Minister of Health No. 10 of 2021 concerning the Implementation of Vaccination in the Context of Combating the COVID-19 pandemic (hereinafter referred to as Permenkes No. 23/2021)

Departing from the various descriptions above, through this study, the author would like to further analyze the COVID-19 vaccination policy contained in Presidential Decree No. 99/2020 j.o Presidential Decree No. 14/2021 j.o Presidential Decree No. 50/2021 and several implementing regulations such as Permenkes No.10/2021 j.o Permenkes No.18/2021 j.o Permenkes No.19/2021 j.o Permenkes No. 23/2021 concerning the Implementation of

Vaccination in the Context of Combating the COVID-19 Pandemic. The author will also conduct a specific analysis of the policy for implementing COVID-19 vaccination in Indonesia as contained in Presidential Decree No. 14/2021, given the application of administrative sanctions in these provisions, which later gave rise to separate polemics in various circles.

Based on the description above, the problems that can be arranged include:

1. How is the government's work program in implementing the vaccination policy to deal with the COVID-19 pandemic in Indonesia?
2. What is the purpose of the government's work program containing administrative sanctions to implement the COVID-19 vaccination policy in Indonesia?

2 Research Methods

2.1 Approach Method

The approach method used in this research is normative juridical. The normative juridical approach means legal research conducted by examining library materials (secondary data) [13].

2.2 Research Specification

The research specification used is descriptive-analytical, which means describing the applicable laws and regulations by linking them to legal theories and existing positive law implementation practices and correlating them with problems [14].

2.3 Data Types and Sources

The type of data from this research is secondary data. Secondary data is used by researchers/authors obtained indirectly from sources (objects of research) but by other sources such as books, texts, journals, magazines, newspapers, documents, and related laws and regulations [15]. In addition, secondary data is obtained from sources in the form of primary and secondary legal materials as well as tertiary legal materials to support primary legal materials and secondary legal materials [13].

2.4 Method of collecting data

The legal research that the author does in writing this law uses library research, which means the study of written information about the law that comes from various sources, is widely published and is needed in normative legal research [16].

2.5 Data analysis method

Qualitative analysis is used in this legal research, which means describing the data in words more deeply [15].

3 Results and Discussion

3.1 Government Work Program in Implementing Vaccination Policies as an Effort to Overcome the COVID-19 Pandemic in Indonesia

Presidential Regulation on Government Work Programs in Implementing Vaccination Policies as an Effort to Overcome the COVID-19 Pandemic in Indonesia

Table 1. Specific government work programs regarding the implementation of COVID-19 vaccinations are contained in various Presidential Regulations.

Presidential Decree No. 99/2020	Presidential Decree No. 14/2021	Presidential Decree No. 50/2021
The Ministry of Health, as the vaccine implementer, has the authority to apply the criteria and priorities for vaccine recipients up to the standard of vaccination services	The Ministry of Health, as the vaccine implementer, has additional authority in the form of data collection and determination of vaccine recipient facilities	There is no change in load
There are no provisions regarding sanctions for people who refuse to be vaccinated	There are provisions regarding sanctions for people who refuse to be vaccinated	There is no change in load
There are no provisions regarding treatment and care for AEFI (Adverse Events Following Immunization)	There are provisions regarding treatment and care for AEFI	There is no change in load
There is no provision regarding compensation from the government for people experiencing AEFI	There are provisions regarding compensation from the government for people experiencing AEFI	There is no change in load

Source: Processed by the Author

The government drafted Law No. 2/2020 as one of the efforts to overcome the COVID-19 pandemic in Indonesia. Based on this, in a further part of this paper, the author will try to describe and analyze various work programs for implementing COVID-19 vaccination contained in various existing implementing regulations and examine whether these are in line with the mandate of legal norms as contained in Law no. 2/2020.

The first is the implementing regulation of Law No. 2/2020 in the form of a Presidential Decree (Perpres). When viewed in terms of the material content, the Presidential Regulation was formed to implement the laws and regulations on it, whether the arrangements for its formation are written explicitly or not. This is in line with the explanation of Article 13 of Law No. 12 of 2011 concerning the Establishment of Legislation which reads:

“Presidential regulations are formed to carry out further regulation of orders for laws or government regulations that are expressly or indirectly ordered to be formed.”

Article 13 is referred to by Ni'matul Huda as a very 'flexible' provision because without any orders at all, in the context of implementing the President's authority as the attribution of Article 4 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, the President can still issue a Presidential Regulation at any time he deems necessary. There are three

possibilities to define the understanding of "unequivocal orders" as referred to in the quo article, namely [17]:

1. The regulatory order does exist but does not explicitly determine what form of regulation is chosen as the place for pouring the material for the provisions delegated to regulate it;
2. The regulatory order does exist, but it is not clearly defined by the institution that is delegated the authority or the form of regulation that must be determined for the pouring of the delegated provisions; and
3. Such regulatory orders are not at all mentioned or specified in the law in question, but the need for such arrangements is real and inevitable in implementing the law's provisions. Therefore, even if it were not due to the negligence or negligence of the legislators, it should be that further arrangements regarding the matters in question must be regulated so that the provisions of the law in question can be implemented properly.

This study hence compares the rules with the facts contained in all legal contents listed in Presidential Regulation No. 99/2020 j.o Presidential Decree No. 14/2021 j.o Presidential Decree 50/2021 concerning the COVID-19 vaccination policy against the government's legal politics as regulated in Law no. 2/2020.

In the author's opinion, based on the results of the quo law review with the three Presidential Regulations above, it turns out that there is indeed no single article that explicitly regulates the implementation of COVID-19 vaccination in Indonesia in Law No. 2/2020 thus the three Presidential Regulations have given rise to new norms.

Even though the three Presidential Regulations above have been proven to provide an expansion of regulations or additions to legal norms from Law No. 2/2020, in the author's opinion, they have succeeded in carrying out the mandate of the government's legal politics concerning the handling of COVID-19 as stated in the Preamble, considering that the law a quo which reads:

“(b) the implications of the COVID-19 pandemic have affected, among others, the slowdown in national economic growth, a decrease in state revenues, and an increase in state spending and financing, so that various Government efforts are needed to save health and the national economy, with a focus on spending on health, social safety net, as well as the economic recovery, including for the business world and affected communities.”

Regulation of the Minister of Health concerning the Government's Work Program in Implementing Vaccination Policies as an Effort to Overcome the COVID-19 Pandemic in Indonesia

The second is the work program contained in the implementing regulations of Law no. 2/2020 as a Minister of Health Regulation (Permenkes). The government's work program in carrying out the next COVID-19 vaccination policy is contained in the Minister of Health Regulation No. 10/2021 is the implementation of cooperation vaccination. In this regard, legal entities/business entities should report the number of employees/employees, families, and other individuals involved in the family to participate in this work program.

The government then stated that the legal content contained in Permenkes No. 10/2021, especially in the implementation of mutual cooperation vaccination, needs to be more adapted

to various legal developments and technical needs in the field. This is stated in the Considering Permenkes No. 18/2021 (regulation that changes the content in Permenkes No. 10/2021):

"That several provisions in the Minister of Health Regulation No. 10 of 2021 concerning the Implementation of Vaccination in the context of / Coping with the COVID-19 Pandemic need to be adjusted to legal developments and technical needs for the implementation of COVID-19 vaccination"

The work program contained in Permenkes No. 18/2021 is to refine further the work program which was previously regulated in Permenkes No. 10/2021. Implementation of the work program is in the form of mutual cooperation vaccination in the Minister of Health Regulation No. 18/2021. There is an additional regulation regarding the target of mutual cooperation vaccination recipients that legal entities/business entities must report during the process of preparing the COVID-19 vaccination needs a plan.

Furthermore, regarding the implementation of the work program in the form of mutual cooperation vaccination which gives the right for foreign nationals to participate in the mutual cooperation vaccination in the Minister of Health Regulation No. 18/2021, there is an additional regulation regarding the criteria for foreign nationals who can participate in the mutual cooperation vaccination.

The criteria for foreign nationals participating in mutual cooperation vaccination are employees working in legal entities/business entities carrying out mutual cooperation vaccinations. The government then stipulates amendments to Permenkes No. 18/2021 because it is deemed necessary to increase the scope and accelerate the implementation of the COVID-19 vaccination by adjusting some of the technical needs in it (Consideration letter a of the Minister of Health Regulation No. 19/2021). On July 5, 2021, Permenkes No. 19/2021 was set to improve several work programs related to implementing the COVID-19 vaccination contained in various previous regulations.

Permenkes No. 19/2021 has two main work programs to support technical improvements in implementing COVID-19 vaccination in Indonesia. First, there is an additional target for COVID-19 vaccination recipients, namely individuals/individuals whose funding is charged to the person concerned.

This work program has drawn criticism from various circles, considering that the funding for individual vaccinations is actually borne by the person concerned, while the vaccination program and mutual cooperation vaccinations are for employees, families, and individuals related to the employee's family/employee are borne by the relevant legal entity/business entity.

The work program is contained in Article 1 point 5 of the Minister of Health Regulation No. 19/2021. The provisions that contain the implementation of vaccinations for individuals have also received attention from various legal policy observers such as the Indonesian Legal Aid Foundation, Indonesian Corruption Watch, LBH (*Lembaga Bantuan Hukum*) Masyarakat, LBH Jakarta, to various public policy studies centers in Indonesia.

The various parties then drafted a warning letter, "Open Summons" addressed to the Minister of Health of the Republic of Indonesia. In this regard, the second work program in Presidential Decree No. 19/2021 regarding the granting of rights for individuals/individuals who are foreign nationals to be able to participate in the Gotong Royong Vaskinasi has also been highlighted through the summons above.

The subpoena was carried out because the individual vaccination, as mentioned above, has the potential to violate the government's obligation to protect the citizens' right to be healthy. Article 16 of Law no. 16/2009 on Health even mentions:

“The government is responsible for the availability of resources in the health sector that is fair and equitable for all people to obtain the highest degree of health.”

Permenkes No. 19/2021 was just set on July 5, 2021, then amended on July 28, 2021, with the stipulation of Permenkes No. 23/2021. Permenkes No. 23/2021 has clearly abolished the provision for paid vaccination as regulated by the previous health ministerial regulation.

Article 1 point 5 Permenkes No. 23/2021 updated the meaning of mutual cooperation vaccination by removing the paid vaccination clause by stating:

“Gotong Royong Vaccination is the implementation of vaccinations for employees, families and other related individuals in the family whose funding is borne or borne by legal entities/business entities.”

It is reaffirmed through Article 3 paragraph (5) of the Minister of Health a quo, which states that the recipients of mutual cooperation vaccinations, namely employees, families, and other related individuals in the family, are free of charge.

Permenkes No. 23/2021 is considered to be in accordance with the community's needs and various technical needs for implementing COVID-19 vaccination in the field. Evidence of the effectiveness of the regulation can be seen based on data from the Indonesian Chamber of Commerce and Industry (Indonesian Chamber of Commerce and Industry) as of October 21, 2021, which states [18]:

“... the number of companies in Indonesia that have registered to participate in the mutual cooperation vaccination program has reached 28,413 companies, with 1,838 companies that have successfully carried out the vaccination; thus, this is a breath of fresh air for the response to the COVID-19 pandemic in Indonesia.”

The four Permenkes above are classified as implementing regulations (*verordnung*) of the various regulations above (in this case, the Presidential Regulation, which regulates the implementation of COVID-19 vaccination). Permenkes No. 10/2021 j.o Permenkes 18/2021 j.o Permenkes 19/2021 j.o Permenkes No. 23/2021 reflects its function as a regulation that further regulates the drafting of Presidential Regulations (in this case, Presidential Regulation No. 99/2020 j.o Presidential Regulation No. 14/2021 j.o Presidential Regulation 50/2021). Various government policies, as stated in Permenkes No. 10/2021 j.o Permenkes 18/2021 j.o Permenkes 19/2021 j.o Permenkes No. 23/2021, are very technical and clear in terms of their arrangements, such as determining the type of implementation of the COVID-19 vaccination, determining the type of vaccine to be used, up to the regulation on monitoring and overcoming follow-up events after COVID-19 vaccination.

3.2 Background of the Government's Work Program Contains Administrative Sanctions to Implement COVID-19 Vaccination Policies in Indonesia

One of the types of sanctions contained in the legislation is administrative sanctions. As the author has previously stated, the government has also implemented administrative

sanctions for parties who oppose the policy of implementing the COVID-19 vaccination in Indonesia.

The existence of administrative sanctions as contained in Article 13 A No. (4) of Presidential Regulation No. 14/2021, which reads:

“Every person who has been designated as the target recipient of the COVID-19 Vaccine who does not participate in the COVID-19 Vaccination 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 cessation of government administration services; and/or (c) fines.”

The administrative sanction imposed on everyone who does not participate in the vaccination or refuses to be vaccinated against COVID-19 is still in effect even though Presidential Decree No. 14/2021 was then amended again using Presidential Decree No. 50/2021, so it can be concluded that the sanctions are still in effect today.

The existence of these administrative sanctions has generated a lot of polemic in the community. The parties who agree with the implementation of administrative sanctions state that this causes the existence of COVID-19 vaccination as a mandatory thing for the community. Mohamad Kadri also said that the regulation makes COVID-19 vaccination imperative, which means that an order must be carried out because administrative sanctions accompany it [19].

The author will further analyze and elaborate on the background of administrative sanctions that need to be applied in the policy of implementing COVID-19 vaccination in Indonesia. The following is the result of the author's analysis regarding the basis of the government's work program, which contains administrative sanctions for carrying out the COVID-19 vaccination policy in Indonesia:

1. Constitutional Mandate regarding the Rights of Indonesian Citizens

The Indonesian state's recognition of human rights cannot be doubted. The state constitution even specifically regulates human rights that must be protected optimally through Chapter XA on Human Rights, specifically in Article 28 A to Article 28 J.

Article 28 H paragraph (1) of the 1945 Constitution of the Republic of Indonesia, specifically in the context of health services, indeed states that everyone has the right to obtain health services. The right to obtain health services goes hand in hand with the right for everyone to choose what kind of health facility he or she needs.

This is regulated later through Law No. 36 of 2009 concerning Health, Article 5 paragraph 30, which reads, "everyone has the right to independently and responsibly determine the health services he needs." The health services referred to in these provisions also include health services in the form of COVID-19 vaccination in Indonesia.

In the author's opinion, the right of every citizen in determining health facilities for himself, such as the COVID-19 vaccination, must still reflect a form of respect for the rights of other citizens. This means that people who refuse to be vaccinated against COVID-19 must also understand the health risks for them and others if they are infected with COVID-19.

It is the risk of being infected with COVID-19 that the government has wanted to suppress as much as possible so that the chain of transmission of the virus can be stopped. In this regard, it becomes logical if the government implements

administrative sanctions in the policy for implementing the COVID-19 vaccination in Indonesia.

Administrative sanctions in the COVID-19 vaccination policy function as a "warning" for the public to be willing to vaccinate so that the state's goal of achieving herd immunity as a response to this pandemic can be achieved immediately.

Policies and efforts that can encourage people always to obey health protocols and prevent the transmission of the COVID-19 virus must be optimally supported. The government's awareness to make this happen then makes the policy for implementing the COVID-19 vaccination accompanied by administrative sanctions and criminal sanctions.

2. An embodiment of National Health Rescue Efforts

As the author explained in the previous article, the policy for implementing the COVID-19 vaccination is in line with the legal-political mandate of dealing with the COVID-19 pandemic as contained in Law no. 2/2020. Especially in the Consideration section, Considering the quo law letter b, precisely in the phrase that reads, "... various Government efforts are needed to save health and the national economy... ."

The government's efforts to save health and the national economy are also interrelated. For example, one of the efforts that the government can take is implementing a national COVID-19 vaccination. When this vaccination is successfully carried out, the condition of the national economy will gradually improve.

Philippus M. Hadjon [20] states that administrative sanctions are applied so that the violations committed can be stopped. As for the formulation of administrative sanctions in various vaccination policies, it is indeed functioned to stop acts of violation of people who refuse to be vaccinated so that handling the COVID-19 pandemic in Indonesia can run successfully.

Generally, each type of sanctions has its own character, including administrative, criminal, and civil sanctions. The organic criteria in the character of the administrative sanctions include:

"a) The administrative sanction considers that an act that causes disturbance to the administrative, legal norms is a violation; b) disturbances that arise as a result of violations of the administrative, legal norms can be immediately taken by the administrative body; and c) the action taken by the administrative body is in the context of ending the disturbance to the administrative, legal norm so that it takes the form of reparatory measures (reparatoir – herstel) and/or punitive measures."

Based on the explanation of the first criteria of administrative sanctions, it can be said that administrative sanctions, as contained in Presidential Regulation No. 14/2021, follow the rules of administrative sanctions in general. This conformity can be trusted as long as all law enforcement officers who will provide administrative sanctions for those who refuse the implementation of the COVID-19 vaccination in Indonesia understand that the sanctions are imposed because the perpetrators have violated existing provisions, and the imposition of these sanctions is aimed at ending interference with existing norms (regarding with vaccination). [21]

The second criterion of administrative sanctions, in general, is to have a distinctive type, such as reparation and punitive sanctions. The types of administrative sanctions include:

- a. Government coercion (*bestuursdwang*);
- b. Payment of penalty/forced money (*dwangsom*);
- c. Administrative fines (*bestuurlijke boete*); and
- d. Withdrawal of favorable decisions (*het intrekken van een begunstigende beschikking*/withdraw license).

Based on the description above, in the author's opinion, one of the types of administrative sanctions given to those who reject the COVID-19 vaccination implementation policy in the form of "delaying or stopping the provision of social security or social assistance" is not following the character of administrative sanctions in general. This sanction seems to injure citizens' rights to obtain social security or social assistance even though the COVID-19 pandemic in Indonesia is still ongoing.

Article 28 H paragraph (3) of the 1945 Constitution of the Republic of Indonesia even clearly categorizes the receipt of social security or social assistance as one of the human rights that the state must protect. Article a quo reads:

"Everyone has the right to social security that allows his full development as a dignified human being."

The author is aware of the importance of the policy for implementing COVID-19 vaccination in Indonesia for the community as a whole. Still, the formulation of the application of sanctions that will apply to those who reject this policy also needs to be seriously considered so that there is no tendency to injure the human rights of the community.

4 Conclusion

Based on Law No. 2/2020, the government has compiled various work programs in carrying out vaccination policies to deal with the COVID-19 pandemic in Indonesia. The work program is contained in various implementing regulations of Law no. 2/2020 as follows:

1. Presidential Decree No. 99/2020 j.o Presidential Decree No. 14/2021 j.o Presidential Decree 50/2021 concerning Vaccine Procurement and Vaccination Implementation in the Context of Overcoming the COVID-19 Pandemic
These three presidential regulations contain several work programs related to the implementation of COVID-19 vaccination, such as the appointment of the Ministry of Health as the vaccine implementer who has various powers regarding the implementation of COVID-19 vaccination in Indonesia. Sanctions for people who refuse to be vaccinated; treatment and care for people who experience adverse events after vaccination; and compensation in the form of disability benefits or death benefits from the government.
2. Permenkes No. 10/2021 j.o Permenkes 18/2021 j.o Permenkes 19/2021 j.o Permenkes No. 23/2021 about Implementation of Vaccination in the Context of Combating the COVID-19 Pandemic

The four health ministerial regulations contain several work programs related to the implementation of COVID-19 vaccination, such as the implementation of cooperation vaccination to granting rights for foreign nationals and international non-profit organizations who are on duty to participate in mutual cooperation vaccination in Indonesia if they meet the existing requirements.

- a. The administrative sanctions contained in the policy for implementing the COVID-19 vaccination in Indonesia have the following formulation/background:
- Constitutional mandate related to the rights of Indonesian citizens; and
 - These sanctions aim to support the realization of efforts to save national health from the COVID-19 pandemic.

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