

ABSTRAK

Kewajiban Vaksinasi Dalam Perspektif Hak Asasi Manusia

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Ditengah menjalarnya Pandemi Covid 19 di Dunia memberikan pelajaran penting bagi negara bahwa wabah ini adalah menguji pemerintah untuk berfikir keras dengan menghasilkan peraturan perundang undangan yang mengatur terhadap aktifitas kehidupan sehari hari warganya dengan tetap menjunjung tinggi jaminan hukum dan hak asasi manusia sebagai pertimbangan utama dalam merumuskan peraturan dan perundang undangan. Sesuai dengan peraturan kementerian kesehatan tentang aktifitas ditempat umum dan Peraturan Presiden Republik Indonesia Nomor 14 Tahun 2021 Tentang Perubahan Atas Peraturan Presiden Nomor 99 Tahun 2020 yang didalamnya juga mebahas berkaitan dengan hal hal sarat pembatalan kewajiban vaksinasi dengan tujuan memberikan pemenuhan hak asasi bagi warga yang memiliki sarat untuk tidak melakukan vaksinasi tentang pembatalan wajib vaksinasi. Namun peraturan ini medapatkan antipati dari warga karena ketidak jelasan pelaksanaan peraturan dilapangan tentang perlindungan hukum wajib vaksinasi dan pembatalan wajib vaksinasi.

Permasalahan ini bertujuan untuk mengetahui permasalahan mengenai: (1) bagaimana perlindungan hukum terhadap masyarakat dengan adanya kewajiban vaksinasi? (2) Bagaimana pertimbangan dasar dapat membantalkan kewajiban vaksinasi?.

Penelitian ini menggunakan Yuridis normative dengan pendekatan Peraturan Peundang-undangan. Mengumpulkan sumber hukum primer berupa peraturan perundang-undangan dan bahan sekunder seperti buku dan jurnal yang kemudian dianalisis untuk menjawab dari rumusan masalah.

Berdasarkan penelitian yang telah dilakukan mengenai perindungan hukum terhadap masyarakat dengan adanya kewajiban vaksinasi telah dituangkan dalam produk peraturan pemerintah, kementerian kesehatan dan peraturan presiden tentang protokoler kesehatan bagi masyarakat ditempat dan fasilitas umum, pencegahan dan pengendalian virus corona serta kewajiban vaksinasi dan sanksinya, adapun percepatan kewajiban vaksinasi ini juga melibatkan aparat keamanan. Selain itu pemerintah juga mengeluarkan tentang sarat pembatalan wajib vaksinasi tanpa detail perturan yang membahas tentang sarat pembatalan vaksinasi tersebut.

Pemerintah bukan hanya selesai dan fokus pada pembuatan peraturan tentang vaksinasi namun juga harus berorientasi pada implementasinya dilapangan. Banyak ditemukan kejanggalan dilapangan misal pemberhentian wajib vaksinasi dijalanan yang membuat terganggunya aktifitas dan lalu lintas warga serta kesalahan dalam penanganan vaksinasi yang seharusnya ada pembatalan karena sarat kesehatan namun tetap dilakukan sehingga banyak yang merasa sakit berlanjut setelah melakukan vaksinasi, yang seharusnya pemerintah menjamin akan hak asasi manusia yang dimiliki oleh setia warga di Indonesia

Kata Kunci : Perlindungan Hukum, Hak Asasi Manusia, Covid 19

ABSTRACT

Obligation of Vaccination in the Perspective of Human Rights

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In the midst of the spread of the Covid 19 Pandemic in the World, it provides an important lesson for the country that this epidemic is testing the government to think hard by producing laws and regulations that regulate the daily life activities of its citizens while still upholding legal guarantees and human rights as the main considerations in formulating regulations. and legislation. In accordance with the regulations of the Ministry of Health regarding activities in public places and Presidential Regulation of the Republic of Indonesia Number 14 of 2021 concerning Amendments to Presidential Regulation Number 99 of 2020 which also discusses matters related to the cancellation of mandatory vaccinations with the aim of providing fulfillment of human rights for citizens who have full not to vaccinate regarding the cancellation of mandatory vaccination. However, this regulation received antipathy from residents due to the unclear implementation of regulations in the field regarding legal protection of mandatory vaccination and cancellation of mandatory vaccination.

This problem aims to find out the problems regarding: (1) how is the legal protection for the community with the obligation to vaccinate? (2) How can the basic considerations cancel the vaccination obligation?.

This study uses a normative juridical approach to the legislation. Collect primary legal sources in the form of legislation and secondary materials such as books and journals which are then analyzed to answer the problem formulation.

Based on research that has been carried out regarding legal protection for the community with mandatory vaccinations, it has been stated in the product of government regulations, the ministry of health and presidential regulations regarding health protocols for the community in public places and facilities, prevention and control of the corona virus as well as vaccination obligations and sanctions, as well as acceleration. This vaccination obligation also involves the security forces. In addition, the government also issued a mandatory cancellation of vaccination without detailed regulations discussing the terms of the cancellation of the vaccination.

The government is not only finished and focused on making regulations on vaccination but also must be oriented to its implementation in the field. Many irregularities were found in the field, for example the mandatory termination of vaccination on the streets which disrupted the activities and traffic of residents as well as errors in the handling of vaccinations which should have been canceled due to health conditions but were still carried out so that many felt sick continued after vaccination, which the government should guarantee human rights. owned by loyal citizens in Indonesia.

Keywords: Legal Protection, Human Rights, Covid 19