

PELAKSANAAN VAKSINASI COVID-19 DI INDONESIA: HAK ATAU KEWAJIBAN WARGA NEGARA

(THE VACCINATION OF COVID-19 IN INDONESIA:
CITIZEN RIGHT OR CITIZEN DUTY)

Farina Gandryani

Fakultas Hukum Universitas Wijaya Putra
Jalan Raya Benowo 1-3, Surabaya
e-mail: farina.gdr@gmail.com

Fikri Hadi

Fakultas Hukum Universitas Wijaya Putra
Jalan Raya Benowo 1-3, Surabaya
e-mail: fikrihadi13@gmail.com

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ABSTRAK

Pandemi Covid-19 menimbulkan status kedaruratan di Indonesia. Melalui Keputusan Presiden Nomor 11 Tahun 2020, Indonesia telah mengumumkan status kedaruratan kesehatan. Berbagai upaya dilakukan dalam rangka mengatasi dampak pandemi Covid-19. Salah satunya adalah upaya vaksinasi. Namun, di masyarakat timbul pro kontra terkait vaksinasi tersebut. Sejumlah kalangan masyarakat menolak untuk divaksin. Oleh sebab itu, artikel ini akan menjelaskan apakah vaksinasi merupakan hak atau kewajiban bagi masyarakat dan apakah penolak vaksin dapat dikenakan sanksi pidana. Penelitian ini adalah penelitian hukum dengan tipe *doctrinal research* serta menggunakan pendekatan konseptual dan pendekatan peraturan perundang-undangan. Hasil penelitian menunjukkan bahwa vaksinasi yang pada mulanya adalah hak setiap orang, dapat menjadi suatu kewajiban mengingat situasi kedaruratan di Indonesia saat ini. Hal ini karena seseorang yang tidak divaksin berpotensi untuk menularkan bahkan membunuh orang lain. Adapun mengenai pemidanaan, hal tersebut seyogyanya menjadi *ultimum remedium*, apabila pranata-pranata lainnya seperti metode persuasif, sosialisasi bahkan sanksi administrasi terkait vaksinasi sudah tidak dapat berfungsi sedangkan kondisi kedaruratan kesehatan di Indonesia semakin memburuk.

Kata Kunci: vaksinasi, hak asasi, warga negara, tanggung jawab, sanksi pidana

ABSTRACT

Covid-19 pandemic has created the emergency situation in Indonesia. Through The Presidential Decree Number 11 of 2020, Indonesia has announced a public health emergency. Various efforts were made to overcome the impact of Covid-19. One of those efforts is vaccination. However, there are several pros and cons regarding vaccination in Indonesia. Several groups of citizens refused to be vaccinated. Therefore, this article would explain whether vaccination is a right or a responsibility for society and whether vaccine refusers can be subject to criminal sanctions. The argument in this paper is written as a legal argument by having perspective on the doctrinal-legal approach. It will use conceptual approach, legal and statutes approach. This paper ends up with the conclusion that vaccination, which was originally the right of everyone, can become a responsibility or obligation for the citizen. It is caused by the current emergency situation in Indonesia. Besides, someone who is not vaccinated has the potential to infect, even kill other person. As for the criminal sanctions, it should be the *ultimum remedium* if other institutions such as persuasive methods, socialization and even administrative sanctions related to vaccination does not work, meanwhile the public health emergency situation in Indonesia is getting worse.

Keywords: vaccination, human rights, citizen, responsibility, criminal sanctions