



Anti Vaccination: Human Right or Public Interest

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Abstract: Covid-19 virus has caused numerous deaths across the country. Vaccination as an effort to break the chain of spreading the virus is hampered due to misinformation. Public ignorance of the importance of vaccines to inhibit and destroy viruses is very detrimental to public health rights. As good citizens, they should obey government policies. In reality, some movements harm movements that harm public health rights. The community movement as a form of public participation to provide input to the government on government policies should be to fight for the interests of the community based on accurate and useful information in Indonesian territory. This article is legal research related to the protection of citizens for public health rights as a fulfillment of human rights. The articles have two problems. First, whether the refusal of vaccination violates the law, and second, how the state protects the right to public health. The refusal to vaccinate is against the protection in the 1945 Constitution of the Republic of Indonesia. In the future, there is a need for public participation in the rule of law as an effort to defend the state in formulating appropriate sanctions and the social media to the public interest.

Keywords: Anti Vaccination, Human Right, Public Interest

1. INTRODUCTION

Corona Virus Disease (Covid-19) as a disaster has threatened and disrupted the lives of people all over the world, including Indonesia, resulting in casualties, property losses, and psychological impacts [1]. The presence of Covid-19 decreases the quality of life of the community which results in a threat of fulfillment of public health [2]. The fulfillment of health for the community is one of the human rights regulated and guaranteed by Article 28A the 1945 Constitution of the Republic of Indonesia (UUD 1945) which states "Everyone has the right to live and has the right to defend his life and life." people have the right to live as a human right that cannot be reduced under any circumstances as guaranteed by Article 28I paragraph (1) of the 1945 Constitution. In the end, Covid-19 was declared a national disaster based on Presidential Decree Number 12 Year 2020 concerning Determination of the Non-nature Disaster of the Corona Virus Disease 2019 (Covid-19), which took effect on April 13, 2020 [3].

To eradicate the spread of Covid-19, Singapore's Prime Minister Lee Hsien Loong has received the Covid-19 vaccine made by Pfizer-BioNTech on January 8, 2021 as one of the initial recipients of the vaccine to prove citizens safety of the vaccine. In line with this, the President of the Republic of Indonesia is also trying to build public trust by providing a role model as the first person to receive Covid-19 injection from the Sinovac brand on

January 13, 2021. The policy of the Republic of Indonesia's Government to import the Sinovac vaccine, but there is a lot of misleading information about vaccines circulating, which led to the rejection of vaccination [4].

Vaccine refusal cases occurred in several community leaders who were considered to be opponents of the Indonesian Government's policy to eradicate the spread of Covid-19, namely a member of the House of Representatives Commission of the Republic Indonesia emphatically refused to be vaccinated for the first time because coercing citizens was a violation of human rights. She prefers to pay a fine of 5 million rupiahs than being vaccinated [5]. The former Corruption Eradication Commission Advisor also refused vaccines, because it was not the solution. Vaccination is considered useless and beneficial to society [6]. Henceforth, on December 16, 2020, an Indonesian citizen named Happy Hayati Helmi submitted a judicial review of Article 30 the Provincial Regulation of the Special Capital Region of Jakarta Number 2 Year 2020 concerning Handling Corona Virus Disease 2019 (Provincial Regulation of Jakarta 2/2020) to the Supreme Court regarding the phrase 'and/or covid-19 vaccination' which contains rules for fine sanctions for vaccine rejecters that are considered contrary to Act Number 39 Year 1999 concerning Human Rights and Act Number 12 Year 2011 as amended by Act Number 15 Year 2019 concerning the Formation of the Regulations [7].

This article is legal research related to the protection of citizens for public health rights as a fulfillment of human rights. Based on the belief that the Sinovac vaccination occurred in Indonesia, two problems need to be further analyzed. First, whether the refusal of vaccination violates the law, and second, how the state protects the right to public health. The contradiction between human rights for someone to refuse vaccines and the public interest is very important and interesting to analyze the impose strict sanctions against vaccines or not to impose sanctions at all based on human rights or other things that the government needs to do so that efforts to eradicate Covid-19 as the government's expectations. The right to live and maintain life must receive protection from the state as committed by the Indonesian state through the Preamble to the 1945 Constitution, so the state also has the right to apply forced vaccination for the public interest through the law.

2. MATERIALS AND METHODS

This article is legal research that relates with the latest issue and provides a systematic explanation on the health of law that elated to human rights and public interest as the result of vaccine refusal, analyzes the connection between them, and trying to formulate future policy [8]. The research is analyzing the contradiction between human rights for someone to refuse vaccines and the public interest to continue imposing strict sanctions against vaccines or not the sanctions based on human rights or other things that government needs to eradicate Covid-19 as the expectations. The right to live and maintain life must receive protection from the state as committed by the Indonesian state through the constitution, so the state also has the right to apply forced vaccination for the public interest through the law for the future. This research analyzes and compares best practices on legal theory and several local regulations in Indonesia (like Jakarta, Yogyakarta, Surabaya, West Java, and Aceh) to find the best regulation for vaccination reports. The result of this paper is giving solutions for refusal of vaccination through awards for people who receive it, proper communication and continuously to the community about vaccine and information about sanction for breaking the law, and firm sanctions as a last resort for refusal of vaccination based on public interest can not be violated by anyone.

3. DISCUSSION

The fulfillment of health for the community is one of the human rights regulated and regulated by the 1945 Constitution, so everyone has the right to live as a human can not be changed under any circumstances. Vaccination is a person's human right not to be forced to do something detrimental to him or whether that action cannot be justified by law because it is against the public interest, namely the right to life and defend the life of others. Local government policies in responding to vaccination refusals vary, however, local regulations should not conflict with the mandate of the 1945 Constitution.

The Refusal of Vaccination Violates the Law

The results of a study in Brazil show that CoronaVac is far less effective than the vaccines developed by Pfizer- BioNTech and Moderna, which have an efficacy rate of around 95 percent. Russia says the Sputnik V vaccine has an efficacy of 91 percent, while the UK vaccine, developed by the University of Oxford and AstraZeneca, has an average efficacy of 70 percent. The Sinovac vaccine has a lower efficacy rate than its domestic competitor in China, developed by state-owned Sinopharm, which has an efficacy of 79.34

percent. Jamie Triccas, professor of medical microbiology at the University of Sydney School of medical science said that the pandemic still raging, multiple vaccines from multiple suppliers must be considered. It is important to use all of them to stopping death. A vaccine might not stop everyone from getting infected, but it is great for stopping serious infections, hospitalizations, and deaths [9].

Part of this is due to reports that the Sinovac vaccine is ineffective, which results in problems related to actions by several community leaders and submission of judicial reviews to the Supreme Court regarding fines in the Provincial Regulation of Jakarta 2/2020, which is the rejection of Covid-19 vaccination as a part of the program the Government's Indonesia policy. In principle, every aspect of life in the social sector must always be based on the law which is manifested in various state regulations as a consequence of the choice of a rule of law. According to M. Solly Lubis, regional regulations include written state regulations [10], so their existence must refer to the 1945 Constitution.

Vaccination is a way to provide social warnings, reduce harm, and protect vulnerable groups [11]. For some vaccinations based on the individual's medical illness and the risk of not being vaccinated that religion and conscience are ethical. However, vaccinations protect against other diseases that are more easily transmitted, the government can enact laws for the prevention. As medical data accumulates around the relative benefits and risks of vaccination and non-vaccination for certain diseases, the discussion and application of testing may change. Currently, there are many infectious diseases, so the laws governing non-medical information and originated freely [12].

The meaning of refusal to vaccinate is related to the definition of vaccination in the explanation of Article 15 paragraph of Act Number 6 Year 2018 concerning Health Quarantine (Act 6/2018), which is a refusal to give vaccines specifically given to cause or increase a person's active immunity against a disease. If one day he is exposed to the disease, he will not get sick or will only experience mild pain. Refusal to vaccinate causes a person not to be actively immune to certain diseases, namely not immune to the Covid-19 virus, which is susceptible to transmitting the disease to other people.

The 1945 Constitution has the highest hierarchy in the laws and regulations in Indonesia (Article 7 paragraph (1) Act Number 12 Year 2011 concerning the Formation of Legislation), the 1945 Constitution as the highest legal norm (*the supreme law of the land*) has supremacy of law that the 1945 Constitution has the highest degree compared to other forms of statutory regulations to determine the state-building must be carried out by the government. For this reason, state administrators and citizens must be committed by

referring to the 1945 Constitution to build a frame of mind for every state policy issue [13]. Maintaining personal health so as not to endanger the lives of others through vaccine injections is one of the efforts to live and sustain life and life and that of others as regulated in Article 28A the 1945 Constitution, the right to life is a human right that cannot be reduced under any circumstances even as regulated in Article 28I paragraph (1) the 1945 Constitution; respect the human rights of others in an orderly social, national and state life as regulated in Article 28J paragraph (1) the 1945 Constitution; and in exercising their rights and freedoms, everyone is obliged to comply with the restrictions established by law for the sole purpose of guaranteeing recognition and respect for the rights and freedoms of others and to fulfill fair demands by considerations of moral and religious values; security and public order in a democratic society as regulated in Article 28J paragraph (2) the 1945 Constitution. Based on the four norms in the 1945 Constitution, everyone has the right to live and defend his life and life, however, a balance must be maintained between individual human rights and the protection of the interests of society and the nation (public interest) [14]. Refusing vaccination on the grounds of protecting individual human rights means a threat to the human rights of others, even a threat to the public interest, namely public health.

The problem of handling COVID-19 is unique and extraordinary at the global level that results in loss of life, economy, health, and welfare, which will continue. Perhaps never before has a vaccine been developed so quickly and the pressure for therapy so great, at least at the global level. There are compelling reasons to make vaccination mandatory if four conditions are met:

- a. There is a major threat to public health;
- b. Vaccines are safe and effective;
- c. Vaccination must have a cost/benefit profile that is superior to other alternatives;
- d. The level of force is proportional.

The benefits of vaccination are directly related to the benefits provided by the vaccine itself. People who are vaccinated are no longer a threat to others. The threat of vaccination is a greater direct threat to others. However, it is better for people who choose voluntarily for reasons of good behavior, to be forced to receive vaccinations. Rewarding and prohibiting fairly and reasonably is one way of giving people reasons to act, so that mandatory vaccination is ethically justified [15].

Although public health policies face challenges ensuring access to vaccines, they also have to face doubts among many about the safety and efficacy of vaccines. Vaccine hesitation is a complex phenomenon covering a spectrum of behaviors ranging from the presumption of total all vaccines to selective or modified immunizations that do not conform to medical standards. It has various motivations, including distrust of the pharmaceutical industry, anti-government hostility, and devotion to natural or alternative healing methods. Respond to requests that oblige policymakers to balance their duties and their fairness with respect for individual and parental autonomy. Exploring this difficult environment will require a careful ethical analysis that also considers procedural, distributive justice, and decision making. Given the unique role of vaccines in public health tools like vaccines have become more widely available in rich, poor countries to prevent disease and death, and to improve overall health and quality of life, other interventions are imperative to reach an ethical consensus so that the potential benefits of immunization can be materialized [16].

Regional regulations in Indonesia must be in line with the 1945 Constitution to oblige everyone to guarantee their health for the benefit of others. The following are some regional regulations regarding the handling of Covid-19 according to the mandate of the 1945 Constitution by applying sanctions for refusing vaccinations as follows.

- 1) Provincial Regulation of the Special Capital Region of Jakarta Number 2 Year 2020 concerning the Prevention of Corona Virus Disease 2019

Anyone who deliberately refuses to take Covid-19 treatment and/or vaccination, will be punished with a maximum fine of Rp. 5.000.000.00 (five million rupiahs) as stipulated in Article 30. It comes into force on 12 November 2020 with 8 (eight) objectives, namely:

- a. Provide public health protection from transmission and spread of Covid-19;
- b. Increase public awareness and compliance with health protocols;
- c. Provide protection and social security for the community from the impact of the Covid-19 pandemic;
- d. Provide protection and legal certainty for officers, officers implementing Covid-19 countermeasures, and the public;
- e. Building partnerships and collaboration between the Provincial Government of Special Capital Region of Jakarta and elements of society, government agencies, Indonesia National Army/Police, and other local governments;
- f. Increasing the effectiveness of the Special Capital Region of Jakarta Provincial

Government in the management of Covid-19 response; and

- g. Synergize the response to Covid-19 by the Regional Government of DKI Jakarta Province.

- 2) West Java Governor Regulation Number 36 Year 2020 concerning Guidelines for Large-Scale Social Restrictions in Handling Coronavirus Disease 2019 (Covid-19) in the Region of West Java Province.

This provision takes effect from 4 May 2020. Article 26 has implemented sanctions under the provisions of the regulations when there is a violation of the implementation of Large-Scale Social Restrictions (PSBB). The Governor of West Java imposed a fine in his area for vaccine rejecters of Rp. 1.000.000,- (one million rupiah) based on Article 14 paragraph (1) Act Number 4 Year 1984 concerning Contagious Disease Outbreaks as an act that intentionally hinders the implementation of epidemic control. According to him, the refusal of vaccination would not be significant because the President Republic of Indonesia was the first person to inject the vaccine and on the second day were governors, mayors, regents, community leaders, and scholars. Vaccination is not an option, but an obligation of its citizens [17];

- 3) Regulation of the Mayor of Surabaya Number 67 of 2020 concerning Implementation of Health Protocols in the Context of Prevention and Breaking the Chain of the Spread of Covid-19 in the City of Surabaya

This provision takes effect on December 22, 2020, which consists of 50 (fifty) articles. Sanctions are regulated in Article 38 paragraph (4) in the form of the verbal warning, written warning, government coercion including confiscation of ID cards, dispersal of crowds, temporary closure of activities/sealing; or other government coercion aimed at stopping the violation and/or remedy, administrative fine for individuals of 150.000 rupiahs, and license revocation. Although this provision does not yet have a fine for vaccine refusal, there are provisions related to the participation of all stakeholders in an integrated and effective manner (Article 3 point 2) as one of the objectives of the Mayor Regulation;

- 4) Regulation of the Governor of the Special Region of Yogyakarta Number 77 Year 2020 concerning Implementation of Discipline and Law Enforcement of Health Protocols as Efforts to Prevent and Control Corona Virus Disease 2019

Yogyakarta Regional Regulation 77/2020 comes into effect on September 4, 2020,

consisting of 10 articles, which emphasize the role of Regional Apparatus in disseminating information/education on how to prevent and control Covid-19 to the public by involving the Regional Leadership Communication Forum and community participation and participation, religious leaders, traditional leaders, community leaders, and other elements of society. Sanctions are applied for violations of the application of health protocols for individuals, namely verbal or written warnings, social work, and/or coaching (Article 7 paragraph (2)), so based on these provisions there are no penalties for vaccination refusals;

5) Governor of Aceh Regulation Number 51 of 2020 concerning Improved Handling of Corona Virus Disease 2019, Implementation of Discipline and Law Enforcement of Health Protocols

This provision comes into force on September 7, 2020. The sanctions set out in Article 29 paragraph (2) for violations for individuals in Article 6, namely individuals who do not use personal protective equipment, wash their hands regularly, limit physical interactions, and increase endurance in the form of the verbal warning, written warning, social sanction, social work, administrative fine, and temporary confiscation of Identity Card.

Based on the 5 (five) regions, only 2 (two) regions have imposed fines for refusing vaccinations according to the mandate of the 1945 Constitution, namely Jakarta and West Java. However, that does not mean that other regions will not succeed in overcoming Covid-19, because each region has its way based on local wisdom. For example, in Yogyakarta, the response to Covid-19 is more reliant on local wisdom. In a provision that is well communicated, the message and purpose will be achieved to the community voluntarily, without having to impose severe sanctions that are coercive. Sometimes this has been reached through communicative action, negotiate an agreement through a rational dialogue on kindness [18].

Based on the results of a survey by Saiful Mujani Research and Consulting (SMRC) on 22 December 2020 in urban and rural areas in Indonesia, the desire to vaccinate more in rural areas supports vaccination as many as 41 percent of respondents, while 33 percent of urban respondents want to receive Covid-19 vaccination and 43 percent of other respondents still consider that option. The number of doubts in urban communities is higher than rural communities represented by 36 percent, so the government should continue to urge people to follow health protocols to reduce the rate of spread of Covid-19 and provide information related to Covid-19 vaccination throughout Indonesia so that more people want to receive vaccinations, which can be seen in the following data. [19]

Masyarakat Desa Lebih Mendukung Vaksinasi Covid-19

The national survey by the Ministry of Health of the Republic of Indonesia reports that Aceh and West Sumatra are the two provinces with the highest number of vaccine rejecters in Indonesia. The percentage of Acehnese who is willing to be vaccinated is 46 percent, while West Sumatra is 47 percent. According to the Head of the Aceh Health Office, the Covid-19 vaccination campaign is much more difficult than the process of distributing and storing vaccines. However, local governments in the two provinces with the lowest acceptance rates for the Covid-19 vaccine, namely Aceh and West Sumatra, will not oblige Covid-19 vaccination or impose penalties (sanctions) on people who refuse the vaccination program. According to the Deputy Minister of Law and Human Rights, Covid-19 vaccine rejecters can be sentenced to a maximum of one year in prison and a maximum fine of 100 million rupiahs by referring to the provisions in Act 6/2018 concerning people who obstruct health quarantine. The obstacle in Aceh is the level of public understanding when they hear unclear information, including information from social media, so people need educational information so that people can receive vaccines. The Covid-19 Task Force Team in West Sumatra involved the Indonesian Ulama Council (MUI), the Minangkabau Natural Indigenous Peoples Organization (LKAAM), including many preachers who have tried to approach, but there is still resistance to Covid-19 information and vaccinations. Sanctions for vaccine refusal are not applied in West Sumatra, because the area uses a persuasive approach [19].

According to Taylor, facing a pandemic is terror, rumors, conspiracy theories, and panic, so one solution in the solution is to provide and maintain clear and honest communication. According to WHO, an important element of guidance for communication in dealing with this situation includes announcing the outbreak as soon as possible, even though the information is not yet complete to minimize the spread of false news, providing information on what people should do to make themselves safe; maintains transparency to ensure the trust of the general public, shows the efforts that have been made to understand the views and concerns of the public about the outbreak and finally evaluates the impact of the progress of the communication program to ensure that the message has been conveyed correctly and that the suggestions given have been followed by the general public [20].

One of the principles of overcoming Covid-19 in Jakarta is the public interest. Based on the elucidation of Article 2 letter d of the Jakarta Regional Regulation 2/2020, the meaning of "public interest" is that the handling of Covid-19 must prioritize public interests over personal or certain group interests. The definition of public interest in Article 1 point 6 of Act Number 2 Year 2012 concerning Land Acquisition for Development for Public Interest is the interest of the nation, state, and society which must be realized by the government and used maximally for the welfare of the people. The definition of public interest is also stated in the explanation of Article 2 letter g of Act 6/2018 that the public interest is the interest above the personal interest or certain groups.

At the time of facing the relaxation of activities or new normal, Hobbes thought in his book *Leviathan* (1985), Locke in his book *Two Treatise of Government* (1970), and J.J. Rousseau, in his book *The Social or Principles of Political Right* (1968), explains why the state must be present to protect and maintain the fulfillment of citizens' rights and to bring justice equally as a manifestation of social contracts [21]. In Indonesia, there are not only sanctions for repellent but provide repressive protection when side effects occur, the state protects against the side effects of vaccines which will provide a sense of security for the community to build trust in society and guarantee safety.

The Health Officer of the Yogyakarta Special Region Government ensures that there will be no sanctions for residents who refuse Covid-19 vaccination like other provinces. This was confirmed by the statement of the Governor of the Special Region of Yogyakarta, Sri Sultan Hamengkubuwono X, who invited his citizens with awareness based on local wisdom to participate in the Covid-19 vaccination program without imposing sanctions for those who refused. The Sultan believes that all levels of society in Yogyakarta with full awareness will be ready to be vaccinated, especially those aged 18 to 59 years. For the

elderly (seniors) will be given after the arrival of a safe vaccine based on awareness to help and protect each other, to create immunity in the community (herd immunity) to prevent the spread of the Covid-19 virus [22].

State defense guaranteed in Article 27 paragraph (3) of the 1945 Constitution which reads "Every citizen has the right and obligation to participate in efforts to defend the state." This action is an obligation of every citizen, so each region through the regional head must comply with the 1945 Constitution through the inclusion of strict sanctions against vaccine refusal. On the one hand, the dilemma is a human right to refuse vaccines, but on the other hand, his actions endanger the lives of others.

According to Waluyo, community participation is a process that involves the community, namely a continuous two-way communication process to increase people's full understanding of an activation process, where environmental problems and needs are being analyzed. Community participation with a pattern of consultative relationships between decision-makers and interested community groups and other community members who have the right to have their opinions heard and to be informed that the final decision remains in the hands of the decision-maker. In the context of community participation which is a partnership, decision-makers and community members are partners who are relatively equal in position. Together they discuss problems, look for alternative solutions to problems, and discuss decisions. So, community participation will also provide valuable information to decision-makers, community participation will also reduce the possibility of refusal of the decisions [23].

Awareness of participating in government programs together to receive vaccinations as a form of state defense in the public interest, namely health and safety with Indonesian citizens. Anything that causes health problems to the people of Indonesia will result in huge economic losses for the country, and every effort to improve public health also means investment in the country's development. Every development effort must be based on a health perspective in the sense that national development must pay attention to public health and is the responsibility of all parties, both Government and society. This is part of state defense to strive for public health as regulated in Article 1 number 11 Act Number 36 Year 2009 concerning Health, that health efforts are any activity and/or series of activities carried out in an integrated, integrated and sustainable manner to maintain and improve public health degree in the form of disease prevention, health promotion, disease treatment, and health restoration by the government and/or the public. Defending the state in the health sector as preventive protection for himself and other citizens to obtain the right

to health as the obligations of every citizen as regulated in Article 27 paragraph (3) of the 1945 Constitution related to the public interest, as Immanuel Kant thought about humanity says that using humanity, whether in your person or the person of any other, always at the same time as an end, never merely as a means. In other words, we should not treat people as if they were simply instruments for our particular purposes [24].

The State Protects the Right to Public Health

Based on the John Hopkins Coronavirus Research Center report in September 2020, more than 30 million cases of Covid-19 worldwide and nearly 950 thousand deaths. The United States has the highest number of Covid-19 cases, with

6.6 million cases, followed by India are 5.1 million cases and Brazil are 4.4 million cases. The problem is that about 49 percent or nearly half of Americans refuse to be vaccinated because they are worried about the side effects of the vaccine [25].

Based on Article 47 Act Number 36 Year 2009 concerning Health, that health efforts are carried out in the form of activities with a promotive, preventive, curative, and rehabilitative approach which are carried out in an integrated, comprehensive, and sustainable manner. Therefore, the inclusion of strict sanctions, education related to the provision of vaccines and public health, advertising/promotion of vaccines as socialization to the public as integrated, comprehensive community protection to be carried out on an ongoing basis. This will foster confidence in the Covid-19 vaccine and foster a sense of state defense for common health or public interests.

The implementation of statutory regulations will not be effective if it is not accompanied by law enforcement. one of which is the provision of sanctions in the form of criminal sanctions, civil sanctions, or administrative sanctions. However, law enforcement against a statutory regulation does not always have to be followed by the existence of sanctions provisions in the relevant statutory regulations [26]. Based on the survey, the average cost of caring for Covid-19 patients reached Rp. 184 million with a length of 16 days of hospitalization, according to the opinion of Professor of the Faculty of Public Health, University of Indonesia, Hasbullah Thabrany in a survey in several hospitals in Indonesia. A survey in 9 provinces in Indonesia to assess the cost of treating COVID-19 found that the highest cost reached 446 million rupiahs. The cost of treating COVID-19 patients is borne by the state using State Revenue and Expenditure Budget. If the number of Covid-19 transmissions continues to increase, it will continue to drain state finances. State expenditures reached 800 trillion rupiahs (State Revenue and Expenditure Budget,

Regional Revenue and Expenditure Budget, and village funds) for medical treatment and economic recovery programs due to the COVID-19 pandemic [27].

Anything that causes health problems to the people of Indonesia will result in huge economic losses for the country, and every effort to improve public health also means investment in the country's development. Every development effort must be based on a health perspective in the sense that national development must pay attention to public health and is the responsibility of all parties, both government and society. This is part of State defense to strive for public health as regulated in Article 1 number 11 of Act Number 36 Year 2009 concerning Health that health efforts are any activity and/or series of activities carried out in an integrated, integrated, and sustainable manner to maintain and improve public health degree in the form of disease prevention, health promotion, disease treatment, and health restoration by the government and/or the public. Protection in the health sector as preventive protection for himself and other citizens of the country to obtain the right to health.

There are 8 (eight) countries that exempt the payment for the Covid-19 vaccine, namely Japan, Belgium, Saudi Arabia, France, Hong Kong, the United States, India, and Singapore, while Indonesia's population of 32 million people is vaccinated for free as long as they are registered as Health Social Security Administering Bodies's participants and 75 million people have to pay for the vaccine themselves. For example, Japan announced that it would provide free vaccine to its 26 million people and the country bears the cost when there is treatment for side effects suffered by the population who was injected with the vaccine. Public trust in the potential safe Covid-19 vaccine has decreased [28] not only in Indonesia but also in the people of the United States.

At the start of the pandemic, public enthusiasm in the United States for the discovery of a vaccine was very high, even though there were not many cases there at that time. As cases increase, public interest in vaccines wanes. According to a psychologist, Gracia Ivonika, M.Sc., the causes of a person's interest in vaccination include: (1) the environment when the people closest to them contra-vaccinate and continue to influence it; (2) mindsets with different viewpoints; and (3) the values adopted include, among other things, some people who hold the value that the admission of the vaccine liquid into the body is prohibited by their beliefs, the manufacturing process and vaccine content are deemed not by the teachings of their beliefs. The Covid-19 vaccine can be an option to protect the body from viral infection. Refusing a vaccine, let alone excessively, is wasting the opportunity to protect yourself and your surroundings, the pandemic period may last longer. Vaccines do

not immediately make the body completely immune to a disease, at least the vaccine can make the infection less severe [29].

The problem is monitoring that the state is in a precarious condition to cope with the Covid-19 virus outbreak which causes the country's financial burden to continue to decrease [30], so this is where the role of technology in social media as a progressive government political tool to access and provide accurate information about vaccinations that can change thoughts of someone who rejects the presence of Covid-19 vaccination due to ignorance of information, including the Indonesian region from Sabang to Merauke which is far and difficult to reach. For technical issues such as access and capabilities. The degree of political participation cannot be allowed to depend on this technical aspect given the existence of 'digital division'. Whereas social media should be used as a progressive political tool [31].

The awarding has been regulated in Article 6 letter g Jakarta Regional Regulation 2/2020, Article 29 paragraph (1) Government Regulation Number 40 Year 1991 concerning Contagious Disease Outbreak Control for certain officers who have taken control of the epidemic. For that in the future, it is necessary to formulate every regional regulation through each regional head to apply the same to every citizen who receives vaccine injections, namely giving awards for their efforts to voluntarily defend the state in the public interest. For example, Japan announced that it would provide free vaccines to its 26 million people and the country bears the costs when there is a treatment for the side effects suffered by the population who were injected with the vaccine.

Based on Polinsky and Shavell (2000a), people who have the economic capacity, calculate rationally the advantages and charges of violating the law, as in the case of a member of the House of Representatives Commission of the Republic Indonesia. Communities may obey the law, if the sanctions are severe, whereas they are likely to break the law if the sanctions are too light [32]. Then, John Rawls assumes that society as requiring no argument, that a moral obligation to obey the law, although it may be overridden in certain cases by other more stringent obligations [33].

Sanctions not only have the function of deterring people from unwanted behavior but also have the ability to convey moral norms. Punishment is that they are more likely to communicate a moral obligation to give gifts. because over time, is likely to communicate mandatory rules, tends to communicate rules made. Mandatory rules are inviolable or unconditional: one must always follow rules to be moral. Rules refer to morally laudable behavior that is not always necessary. Giving action for undesirable behavior (rewarding

action for desired behavior), the authority communicates that the desired behavior is mandatory and that undesirable behavior is disapproved morally. Thus, better protect morality from rewards. When policy-makers install sanctioning systems to discourage undesirable behavior, it is important to consider not only the utilitarian function of the sanction but also its possible effects on moral norms. When sanctions convey moral norms, they can make people adhere to the rules for moral rather than for instrumental reasons, which makes the sanctioning system impervious to suboptimal enforcement. Sanctions are particularly successful in conveying norms when they are retributive rather than compensatory, when they come in the shape of punishments rather than rewards, and are (reasonably) severe rather than mild and installed legally way by a trustworthy authority. Not only on sanction characteristics but also on contextual factors that determine whether an injunctive or descriptive norm is triggered, will paint a more complete picture of the conditions that have to be fulfilled for a sanction to have a moral expressive function [34].

Agree with that, I am suggesting to change the sanction to give reward combination with the communication with a citizen that the vaccine is safe and beneficial and saves the lives of many people. People needs respect by another, including their country as an acknowledgment of one's existence towards other people, even though their actions are voluntary. Such good actions can also lead to the desire to do good things for others as well. Providing role models like public figure such as the President of the Republic of Indonesia and Singapore's Prime Minister, religious leaders, and traditional leaders, as well as other community leaders to build confidence in the safety of the vaccine. It builds a moral message to society. Sinovac vaccinations appropriately and continuously to all stakeholders, namely the community through various media, especially social media. Awards in the form of regional regulations, for example, giving a sign of being vaccinated in the form of a covid-19 vaccine card from the government to get reduction in payment for children's education in one year, one year tax relief, those receiving government services such as identity cards, a certificate of good behavior from the Police Station, tax payment relief for one year, etc., providing free vaccinations widely, and guarantee treatment for side effects of the vaccination injections. It can be borne by the state, but there are also sanctions decisive for vaccine rejecters as final remedy (*ultimum remedium*) but preceded by clear communication of the norms mandating fines through the socialization of the importance of vaccines for public interest as humanity.

4. CONCLUSION

The refusal of vaccination violates the law, especially to harmonize with the UUD 1945 related to the right to live and to defend life as a human right of others. Everyone has the right to live and defend his life and life, however, a balance must be maintained between individual human rights and the protection of the interests of society and the nation (public interest). Based on the 5 (five) regions, only 2 (two) regions (Jakarta and West Java) have imposed fines for refusing vaccinations according to the mandate of the 1945 Constitution, namely Jakarta and West Java. However, that does not mean that other regions will not succeed in overcoming Covid-19, because each region has its way based on local wisdom. For example, in Yogyakarta, the response to Covid-19 is more reliable on local wisdom. In a provision that is well communicated, the message and purpose will be achieved to the community voluntarily, without having to impose severe sanctions that are coercive. Sometimes this has been reached through communicative action, an agreement through a rational dialogue on kindness.

Secondly, the state protects the right to public health based on protection in the mandate of the 1945 Constitution for the public interest. Providing role models like public figure, religious leaders, and traditional leaders, as well as other community leaders to build confidence in the safety of the vaccine. In the future, the law needs to be communicated to as well as informing Sinovac vaccinations appropriately and continuously to all stakeholders, namely the community through various media, especially social media, awarding vaccination recipients like reduction in payment for children's education in one year, one year tax relief, those receiving government services such as identity cards, a certificate of good behavior from the Police Station, tax payment relief for one year, etc., providing free vaccinations widely, and guarantee treatment for side effects of the vaccination injections. It can be borne by the state, but there are also sanctions decisive for vaccine rejecters as final remedy (*ultimum remedium*) but preceded by clear communication of the norms mandating fines through the socialization of the importance of vaccines for public interest as humanity.

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