

**CONTROVERTION OF COVID 19 VACCINATION FROM A
LEGAL ASPECT**

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ABSTRACT

The Covid-19 pandemic is a pandemic that has hit the world, include Indonesia. With this pandemic, Indonesia has experienced an emergency status. Through Presidential Decree No.11 of 2020, Indonesia has announced a health emergency status. With the COVID-19 pandemic, the government has stepped in to make various efforts in order to overcome the impact of the Covid-19 pandemic. The government's effort in overcoming the pandemic is by giving vaccinations to the community in stages. However, in the implementation of the vaccine, the community has not yet understood the benefits of the vaccine, especially considering that the Indonesian people are diverse in culture, various ethnicities, so that in its implementation there are those who are contra but some are pros. Therefore, the existence of this article is one of which is to explain the existence of vaccination in the community which is a right or obligation for society and whether vaccine refusal can be subject to criminal sanctions. This research is a research in the field of law with a research approach that provides a systematic exposure to regulations that regulate certain categories of laws, analyze relationships between regulations, describe areas experiencing obstacles, and even predict future developments with a conceptual approach. The results showed that vaccination was originally the right of everyone. And it also shows that people in society seem to be carried away with emotions to carry out their obligations as citizens who contribute to health for the Indonesian people themselves considering the emergencies in Indonesia today, because people can predict that if they do not participate in vaccination it has the potential to infect and even kill other people. As for punishment, this should be an ultimatum remedium, if other institutions such as persuasive methods, socialization and even administrative sanctions related to vaccination are no longer functioning while health emergencies in Indonesia are getting worse.

1. INTRODUCTION

Coronavirus disease (COVID-19) is an infectious disease caused by a newly discovered coronavirus. Most people infected with the COVID-19 virus will experience mild to moderate respiratory illness and recover without requiring special treatment. Older people, and those with underlying medical problems like cardiovascular disease, diabetes, chronic respiratory disease, and cancer are more likely to develop serious illness.

The best way to prevent and slow down transmission is to be well informed about the COVID-19 virus, the disease it causes and how it spreads. Protect yourself and others from infection by washing your hands or using an alcohol based rub frequently and not touching your face. The COVID-19 virus spreads primarily through droplets of saliva or discharge from the nose when an infected person coughs or sneezes, so it's important that you also practice respiratory etiquette (for example, by coughing into a flexed elbow) (World Health Organization, 2020). These patients mainly experienced clinical symptoms of dry cough, dyspnea, fever, bilateral lung infections on the chest x-ray images, and all cases related to the Seafood Market located in Huan, Wuhan City, which sells various live animal species including poultry, bats, guinea pigs and snakes.

Along with its development, the symptoms experienced by patients infected with Covid-19 are very varied, even in general the patients only experience mild symptoms and have almost no signs of being infected with the virus. Therefore, everyone is recommended to always maintain body immunity and carry out checks in every available health facility when experiencing these symptoms. Moreover, a declaration has been issued from the Government to always comply with all applicable regulations to prevent the transmission of Covid-19. A policy has been issued by the Government of the Republic of Indonesia in responding to the Covid-19 outbreak, after previously WHO through Director General Tedros Adhanom Ghebreyesus stated that Covid-19 was a global pandemic because the virus had infected as many as 121,000 people in the world (World Health Organization, 2020).

According to KBBI (Kamus Besar Bahasa Indonesia) It is referred to as a pandemic because of the outbreaks of disease that are contagious everywhere, covering a large geographical area. Based on this, the Indonesian authorities issued their policies to be obeyed by the public. This is in accordance with the mandate of Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) that "the state of Indonesia is a state of law". As a state based on law, all actions or behavior of the Government and the people of Indonesia must be in accordance with the law or rules as well as prevailing norms and norms. It has become a dilemma for the community with the Covid-19 outbreak. This is because, after the issuance of policies related to Social Distancing (social distancing/restrictions), almost all community activities that are actually carried out outside the home are being carried out at home (work from home).

Of course, all of these policies have a clear legal basis, especially in relation to large-scale social ownership. In Article 1 number 11 of Law Number 6 of 2018 concerning Health Quarantine, it is clear that "Large-scale social prohibitions are certain activities of residents in an area suspected of having contracted diseases and / or visual contamination. to prevent possible spread of disease or contamination". This social restriction is carried out in order to mitigate risk factors in the area in a public health emergency. The purpose of large-scale social publishing is to prevent the spread of public health emergencies that are currently occurring among communities in a certain area.

Based on Article 59 paragraph (3) of the Health Quarantine Law, the law states that large-scale social beliefs include school and work holidays, prohibition of religious activities, and / or prohibition of activities in public places or facilities. In fact, in the pandemic situation that occurred in Indonesia, many people violated these rules, of course people have certain reasons. The economy of the Indonesian people is still weak, people rely on the habit of meeting people, huddling together, communicating directly. Meanwhile, with the incidence of

COVID 19, the activities of the Indonesian people in the scope of work at home. This has resulted in a changing lifestyle which has resulted in a weak Indonesian economy. Due to the existence of large-scale social security as regulated in Article 49 paragraph (2) of the Health Quarantine Law which regulates large-scale social affairs, it must be based on epidemiology, considerations, threats, strengths, support resources, technical operations, economic, social, cultural, and security considerations.

With the weakness of the community's economy, the government must determine policies to improve the community's economy by minimizing the incidence of a pandemic that is increasingly widespread, namely by implementing the policy for implementing the COVID 19 vaccine to be implemented simultaneously throughout the territory of the country of Indonesia. In addition, the government is also obliged to provide a deep understanding to the Indonesian people about the COVID 19 vaccine because Indonesian people are people who do not really believe in the existence of the COVID 19 vaccine. The public does not yet understand the benefits of the vaccine, especially considering that Indonesian people are diverse in culture, diverse ethnicities. so that in its implementation there are cons but some are pros. Therefore, the existence of this article is one of which is to explain the existence of vaccinations in society, which is a right or obligation for the community and whether vaccines can be subject to criminal sanctions

The state was derived from the divine order and was subject to its own particular needs, namely the national interest. The national interest is closely related to the power of the state as an objective and an instrument, especially those that are destructive (hard power). When the national interest aims to pursue power and power is used as an instrument to achieve national interests, then the consequences in the international system that are perceived as anarchy, except for the power itself are competition, the emergence of a balance of power, conflict and war Historical practices that prioritize national interests and their consequences can be traced through a story of centuries of competitive and conflictual international relations (Bainus & Rachman, 2018).

The COVID-19 corona virus pandemic has presented new challenges for the nation-state to overcome. In particular, that of how countries respond and seek to prevent and stop the spread of the virus is much broader. Many countries carry out policies that are implemented within their territory, such as a lockdown policy system, or policies to maintain social distancing or social distancing against the community. Some countries show success, but some show the failure of this policy. These two policies are examples of the social vaccines that the government is taking in response to this emergency. However, social vaccines still need to be supported by other elements, and one of the most important is about data transparency (Valerisha & Putra, 2020). The vaccinate covid-19 through two schemes. *First*, the vaccine program where corona vaccine 30 percent of the population will be free. Second, independent vaccines which will be sold to 70 percent of the remaining target recipients of the vaccine.

There is an imbalance between the two schemes. The government still has budget flexibility to expand the number of recipients of free vaccines. One alternative is to use the remaining 2020 Economic Economic Recovery (PEN) budget, which may still have some leftovers. This is because the realization of the new budget reached 62.1 percent or Rp. 431.54 trillion of the total budget of Rp. 695.2 trillion. The realization was recorded as of November 25, 2020. Although absorption of the 2020 PEN budget is relatively low, it does not mean that the 2021 budget is suppressed. Supposedly, the special budget in the health sector should be widened considering that the government wants to pursue economic recovery from a contraction in growth next year. Economic recovery will not occur if the health sector has not been addressed. The contraction in growth that occurred in Indonesia was caused by the low level of confidence in the middle and upper classes of society to consume. If the corona virus has not been treated and vaccinations are slow, it is certain that recovery will also be slow. To note, the 2021 PEN budget has decreased from Rp 695.2 trillion to Rp 356.5 trillion.

Meanwhile, the health budget was allocated Rp. 169.7 trillion for vaccinations and other necessities. Therefore, he proposed the government to provide subsidies for the poor to ensure equal distribution of vaccinations.

In 2021, things that are important, such as vaccine subsidies, can be pushed into the government's strategy to tackle the impact of Covid-19, especially from the health side. The government must look at two main indicators to find out how much additional people are entitled to receive free vaccines. First, the level or number of poor people according to the latest reference data due to an increase in the poverty rate due to the pandemic. Second, the government's own financing capacity. Assuming Indonesia's population in 2020 is 268 million and requires twice the vaccine per person, the number of vaccines needed is 536 million doses. Then, if the vaccine is estimated at a price of US \$ 20 or the equivalent of Rp. 282,640 (assuming an exchange rate of Rp. 14,132 per US dollar), the government must provide a budget of Rp.151.48 trillion. The budget is fantastic in number and does not yet calculate other needs such as logistics, distribution and other costs. Therefore, the government does not need to provide free vaccinations to all. Moreover, the upper middle class does not need to be subsidized. Besides being able, they also tend to want to do independent vaccination because of the speed factor. The rich don't need to be subsidized, how much should look at the current amount from the indicator. One of them is the number of poor people and the budget itself. Government related to the price mechanism in the field. Reflecting on the exorbitant prices for medical devices at the start of the pandemic, the same thing might happen to the price of vaccines if they did not have a well-distributed and targeted target. Prices in the field may differ from the price set. Because demand is high while vaccines are limited, the pricing mechanism may change. Not to mention the unequal ratio of needs between regions. In remote areas the price of vaccines can be much higher due to high logistics costs.

In addition, it also highlights the issue of distribution agility. The agility of local governments can be the same as the central government. The low urgency at the regional level is feared to be an inhibiting factor for vaccine distribution. Scheme the 30-70 ratio offered by the government is correct. The reason is, by giving the majority of the authority for commercial or paid vaccines, injection will be much faster than through the free scheme. People who can afford it do not mind paying for their own vaccines if they are available. Another factor that makes him disagree with all vaccine costs to be borne by the government is the potential for fraud. No doubt, the 100 percent government-borne vaccine scheme, according to him, is not ideal. Apart from being heavy on the pocket, the government is also not agile in the field.

Do not expect the remaining PEN budget to cover vaccine costs. This is because the budget is not actually an available budget but a budget drawn from the budget deficit or state debt. This means that if the PEN funds are not used, it means that the budget deficit will not widen and the state debt will not increase. If everything goes through government programs, it will be very heavy for the government, costly and time consuming. For all government programs, it must be considered that they are prone to fraud, there are many negatives. The emergency committee has stated that the spread of COVID-19 can be stopped if protection, early detection, isolation, and fast treatment are carried out in order to create a strong system implementation to stop the spread of COVID-19. Given this, as an effort to protect against COVID-19, various countries from all over the world have committed together by involving governments, biotech companies, scientists and academics to be able to create a Covid-19 vaccine (Peeri et al., 2020).

With the COVID 19 pandemic incident, many people has become victims of the ferocity of the COVID 19 virus. Meanwhile, the handling of COVID 19 from the government has not matched the expectations of the community, while the public hopes that the government in handling COVID 19 will carry out a movement to handle quickly at least the implementation of the Covid 19 vaccine is carried out simultaneously. In accordance with the mandate of the

1945 Constitution, namely "Melindungi segenap bangsa Indonesia" which mean protecting the whole of Indonesia and this protection is not optimally implemented by the government. So far, what the government has done regarding the Covid-19 vaccine has not been implemented evenly among the community as a form of prevention against COVID-19. By paying attention to the principles of rule of law adopted in Indonesia, the implementation is still very apprehensive because it is still very far from what it should be. This is caused from two directions, namely from the side of the community and from the side of the government. It turns out that legal awareness from both the public and the government is still low which could be one of the reasons that the principles of the Indonesian rule of law have not been upheld that affect public compliance with the COVID-19 vaccination efforts and the public needs to understand the implementation of the CODID 19 vaccine and the demands of public awareness of the existence of COVID-19. 19 and the government supports the provision and implementation of COVID 19 vaccination in accordance with the rules of religious law, criminal law, state administrative law and health.

1.1.Covid 19 Vaccine

Vaccine is a substance which is a form of biological product that is known to come from viruses, bacteria or from a combination of the two which is weakened. Vaccines are given to healthy individuals to stimulate the emergence of antibodies or immunity to prevent infection from certain diseases.

The Ministry of Research and Technology / National Research and Innovation Agency (Kemenristek / National Agency for Research and Innovation / National Agency for Research and Innovation / National Agency for Research and Innovation / National Agency for Research and Innovation (Kemenristek / National Agency for Research and Innovation) said through an upload on their Instagram account on Tuesday (8/12) that the vaccine that has been given will train the body to build immunity against disease.

Vaccines made from weakened viruses will help the body recognize the real virus and train the immune system to fight it. The microbes contained in the vaccine will act as antigens. This substance will stimulate the body's immune system to produce antibodies that can fight a disease.

If exposed to the virus, the body can immediately produce *lymphocytes* or antibodies produced by the body's immune system. The antibodies will then attack the virus. The virus will be destroyed or neutralized by antibodies.

1.2.Legal Reform on Legal Awareness and Legal Compliance

Efforts that can be made to increase the legal awareness of the public and the government so that the enforcement of rule of law principles can run well, namely:

1. Conducting comprehensive and sustainable legal education to the community.
2. Carry out legal reform.
3. The legal process should not be based on political motives.
4. Upholding human rights and not discriminating.
5. Making improvements in order to strengthen government institutions that present law enforcement agencies that truly serve truth, justice and legal certainty.

The government since the beginning has issued several laws and regulations related to the prevention and handling of covid-19. Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions was enacted on March 31, 2020, Presidential Decree Number 11 of 2020 concerning Stipulation of Public Health Emergencies stipulated on March 31, 2020, and Government Regulation in Lieu of Law Number 1 of 2020 (stipulated on March 31 2020) which later became Law Number 2 of 2020 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2020 concerning state financial policies and financial system stability for handling the Covid-19 pandemic and / or in the context of

facing threats that endanger the national economy and / or financial system stability becomes law,

On March 13, 2020, Presidential Decree No.7 of 2020 concerning the Task Force for the Acceleration of Handling Corona Virus Disease 2019 (covid-19) has been enacted. In the provisions of Article 11 paragraph (1) states, Governors and Regents / Mayors form a task force to accelerate the handling of regional covid-19, and paragraph (2) states that the handling of COVID-19 in the regions is carried out by taking into account the direction of the executive chairman of the task force to accelerate the handling of COVID-19. Furthermore, on March 20, 2020, Presidential Decree No. 9/2020 concerning Amendments to Presidential Decree No. 7/2020 was stipulated. Various reactions from regional heads in responding to central government policies to deal with and prevent the spread of covid-19. Learning from several countries that have started to improve such as Taiwan, Indonesia and especially regional heads should be able to overcome the spread of covid-19.

In legal substance, regulations are sufficient to underlie every policy taken by the Government, and in terms of the legal structure, officers are also tasked with being carried out by Ministry / Institution officials to local governments, but culturally or legal awareness requires a shared understanding regarding the importance of compliance with the rules for preventing COVID-19. (CNN Indonesia, 2020) & (Ombudsman RI, 2020). Legal awareness according to the large Indonesian dictionary is one's awareness of the knowledge that certain behavior is regulated by law (Suharso, 2005). Legal awareness at a certain point is expected to be able to encourage someone to obey and implement or not carry out what is prohibited and / or what is ordered by law. Therefore, increasing legal awareness is an important part of the effort to realize law enforcement. The result of the low legal awareness of the community is that people do not obey the applicable legal regulations. The consequences of this low legal awareness can be even worse if it affects law enforcement officials and legislators. You can imagine what the law enforcement efforts will be like and the condition of the existing legal system and order. Legal awareness is defined separately in the language whose root word is "conscious" knowing and understanding, and as a whole is knowing and understanding the law.

According to Ewick and Silbey: "Legal Awareness" refers to the ways in which people understand law and legal institutions, namely those understandings that give meaning to people's experiences and actions (Achmad, 2009). For Ewick and Silbey, "legal consciousness" takes shape in action and is therefore a matter of practice to study empirically. In other words, legal awareness is a matter of "law as behavior", and not "law as rule of norms or principles" (Achmad, 2009). Building legal awareness is not easy, not everyone has this awareness. Law as a social phenomenon is an institution and control of society. In society there are various institutions, each of which is needed in society to meet their needs and facilitate the fulfillment of these needs, because of their function, the community needs the presence of institutions as an understanding of legal awareness.

The importance of awareness to build a society that is aware of the law is expected to support and make people uphold institutions / rules as a fulfillment of the need to yearn for obedience and law order. The role and function of building legal awareness in society is generally attached to the institution as a complement to society can be seen by: Stability; Provide a social framework for the needs in society; Provide a social framework for institutions in the form of norms. Meanwhile, some of the factors that influence people not to be aware of the importance of law are: There is legal uncertainty; The rules are static; Inefficient ways of society to maintain the prevailing regulations (Satjipto, 2014).

Contrary to the above factors, one of the focus choices in the study of legal awareness is: Emphasis that law as an authority is closely related to the location where a legal action takes place; The study of legal consciousness does not have to privilege law as a source of authority or motivation for action; The study of legal consciousness requires observation, not

only of social problems and the role of law in improving their lives, but also of what they do (Achmad, 2009):

Departing from the description above, the fulfillment of the needs and relationships between legal institutions and community institutions acts as an institution in society. Obedience of law cannot be separated from awareness of law, and awareness of good law is obedience of law, and unconsciousness of good law is disobedience. Statements of legal compliance must be juxtaposed as a cause and effect of legal awareness and obedience. As an inseparable relationship between legal awareness and legal compliance, some of the literature revealed by several experts regarding legal compliance comes from legal awareness, this is reflected in two kinds of awareness, namely: Legal conscience as within the law, legal awareness as the obedience of law, being in the law, in accordance with legal rules that are realized or understood; Legal consciousness as against the law, legal awareness in the form of defying the law or breaking the law (Achmad, 2009). Law is different from other sciences in human life, law is different from other arts, sciences and professionalism, the legal structure is basically based on obligations and not above commitment. The moral obligation to obey and the role of regulations shape the characteristics of society.

In reality obedience to the law is not the same as other social obedience, law obedience is an obligation that must be carried out and if it is not implemented there will be sanctions, this is not the case with social obedience, if social obedience is not implemented or carried out then the social sanctions that apply to this community who is the judge. It is not an exaggeration if obedience to the law tends to be forced. Obedience itself can be divided into three types: Compliance which is compliance, that is, if someone obeys a rule, just because they are afraid of being penalized. The weakness of this type of obedience, because it requires constant supervision; Obedience that is identification in nature, that is, if someone obeys a rule, only because he is afraid that his good relationship with other parties will be damaged; Internalization is obedience, that is, if someone obeys a rule, really because he feels that the rule is in accordance with the intrinsic values he adheres to (Achmad, 2009).

If we describe the reasons why people do not obey the law or obey the law, this is because of the diversity of cultures in society. The Hermeneutic concept answers that it is none other than, because law is essentially religious or natural and therefore, undeniably evokes justice (Achmad, 2009). The moral obligation of society to obey the law, this obligation even though it is compelling, but in its application or practice is not absolute. Cultural diversity that grows in society, the norms of life and grows rapidly. The moral obligation to solve problems under certain circumstances. In essence, legal compliance is the loyalty that a person has as a legal subject to legal regulations which is manifested in the form of real behavior.

Meanwhile, public legal awareness is something that is still abstract in nature that has not yet been realized in the form of real behavior to fulfill the will of the law itself. Many in the community are actually aware of the importance of law and respect the law as a rule that needs to be obeyed, both because of instinct and rationally. But factually, this awareness is not manifested in everyday life or in real practice. The legal awareness possessed by the community can be easily eroded by opportunistic behavior which allows a person to be able to get greater benefits both materially and immaterially if they do not obey the law. In this case, a person's interest will be more accommodated by not obeying the law even though it must be detrimental or potentially detrimental to the interests of many people. Therefore, legal awareness must continue to be encouraged to be increased to obey the law so that the ideal conception of public legal awareness can be actualized in everyday life.

1.3. Legal Obedience Factor

Compliance or legal compliance in principle is largely determined by the legal awareness of the community. As for the indicators of legal awareness, according to Soerjono Soekanto, include legal knowledge, legal understanding, legal attitudes, and patterns of legal

behavior. Any legal awareness will have implications for the level of legal compliance of the community itself (Munandar, 2020). The quality of legal compliance is divided into 3 (three), namely: Compliance, that is if someone obeys a rule, just because they are afraid of being penalized. The weakness of this type of obedience, because it requires constant supervision; Obedience that is identification in nature, that is, if someone obeys a rule, only because he is afraid that his good relationship with other parties will be damaged; Internalization is obedience, that is, if someone obeys a rule, he really feels that the rule is in accordance with the intrinsic values he adheres to.

Legal awareness is formed in action and therefore is a practical matter to be studied empirically. In other words, legal awareness is a matter of "law as behavior", and not "law as rules of norms or principles". In simple terms, legal awareness rests on social needs (Haiti et al., 2021). A group of people has a need for national social security in the health sector, so the Government together with the people's representatives are obliged to form a body that administers the national social security system through law. However, the most important thing is what factors actually influence law enforcement itself. This has been answered by (Soekanto & Mamudji, 2014) in his book stating that the factors that influence law enforcement are a) the legal factor itself; b) law enforcement factors; c) facility or facility factor; d) community factors; and e) cultural factors.

Based on this, it can be understood that the law obedience factor is in principle based on public awareness and the law itself. So if today the community is very difficult to implement policies related to Covid-19, then it can be strongly suspected that there is a practical problem that must be re-examined by policy makers for later adjustments. In the end there is a reality in society that between policies and needs must be adjusted (Afrianty & Franciska, 2021). The social distancing policy is basically very good at preventing the transmission of Covid-19, but the consideration that the Government needs to pay attention to is the guarantee of food availability, as well as the daily needs of the community, especially those belonging to the middle to lower economy as stipulated in the Health Security Law. This is also in accordance with the provisions of Article 30 paragraph (2) of Government Regulation Number 40 of 1991 concerning Prevention of Communicable Disease Outbreaks, that the costs incurred in countermeasures should be borne by the Regional Government budget.

Based on these provisions, the Government is responsible for guaranteeing free health services from urban to rural levels, distributing health-supporting tools and materials, distributing medicines, providing personal safety facilities for health workers in charge of handling Covid-19 patients, and ensuring availability of cheap food for the community. More than that, public awareness and obedience to the Covid-19 policy is needed in order to assist the Government in alleviating the very disturbing transmission of the corona virus.

2. METHODS

This research is a legal research. This research is a type of doctrinal research, namely research that produces a systematic explanation of the rules of law that govern certain legal regulations, analyzes the relationship between rules and may predict future developments (research which provides a systematic exposition of the rules governing a particular legal category, analyzes the relationship between rules, explains areas of difficulty and, perhaps, predicts future developments¹⁰). The approach used in this research is a conceptual approach and a statute approach related to handling the Covid-19 pandemic in Indonesia.

The collection of legal materials, both primary legal materials (statutory regulations and their minutes) and secondary legal materials (books, journals, articles, and the like) is obtained through library research. All existing legal materials are selected, described and analyzed then linked to statutory regulations then formulated systematically according to each subject. After

all the legal materials are organized and classified, then the method of interpretation or interpretation is carried out to examine the problems in this study. The method of interpretation in this research uses the method of grammatical interpretation, the method of systematic interpretation, the method of historical interpretation and the method of sociological interpretation.

This research was carried out starting from the timeframe for the first announcement of a health emergency due to Covid – 19 on October, 2020 to the latest development on December 2020.

3. RESULTS AND DISCUSSION

3.1. Discussion Controversy Of Covid 19 Vaccination From Legal Aspects

The stages in making a vaccine do go through several stages until the vaccine can be produced and accepted globally, as well as the development of the COVID-19 vaccine. Vaccines as the most effective and economical way to prevent infectious diseases makes the development of a vaccine to fight SARS-CoV-2 infection indispensable. So far more than 40 pharmaceutical companies and academic institutions around the world have launched their vaccine development programs against SARS-CoV-2. Over the past two decades, three human-acquired coronaviruses (SARS-CoV, MERS-CoV, and SARS-CoV-2) have emerged worldwide, posing a major threat to global health. However, there is still no approved vaccine for the human corona virus. Research groups around the world are accelerating development of the COVID-19 vaccine using a variety of approaches.

The proper recognition mechanisms between viral surface proteins and host receptors are important for understanding how cross-species and tropical hosts are transmitted and for model building. The corona virus spike (S) protein is an important target for vaccine development as it mediates the infection mechanism through binding to host cell receptors. Dead vaccines and attenuated vaccines Killed whole cell vaccines or live attenuated vaccines present several antigenic components to the host and thus can potentially cause multiple immunological effects on pathogens. They are traditional vaccines with eye-prepared technologyng preparations, and could be the first SARS-CoV-2 vaccine to be put into clinical application. Currently, several research institutes have started this research. The Chinese Center for Disease Control and Prevention, the Wuhan Institute of Virology, the Chinese Academy of Sciences, the University of Zhejiang, and several other institutions have successfully isolated the SARS-CoV-2 virus strain and initiated the development of a relevant vaccine.

SubVaccine units include one or more antigens with strong immunogenicity capable of efficiently stimulating the host immune system. In general, these vaccines are safer and easier to produce, but often require additional adjuvants to elicit a strong protective immune response. So far, several agencies have initiated the SARS-CoV-2 subunit vaccine program, and almost all of them use protein S as an antigen. For example, the University of Queensland is developing a subunit vaccine based on "molecular clamp" technology. MRNA vaccine The mRNA vaccine is a fast-growing technology for treating infectious diseases and cancer. The mRNA-based vaccine contains the mRNA encoding antigen, which is translated in the host's cellular machine by vaccination. The mRNA vaccine has advantages over conventional vaccines, in the absence of genome integration, enhanced immune response, rapid development, and production of multimeric antigens. Moderna, Inc. has started phase I clinical trials for mRNA-1273, the mRNA vaccine, which encodes the viral spike protein (S) of SARS-CoV-2. It's designed to worktogether with the National Institute of Allergy and Infectious Diseases (NIAID).

In contrast to conventional vaccines produced in cell culture systems, mRNA vaccines are designed in silico, which allows rapid development and evaluation of vaccine efficacy. Moderna Inc. is preparing a phase I study with financial support from the CEPI (Coalition for Epidemic Preparedness Innovations). DNA vaccines usually consist of plasmid DNA molecules encoding one or more antigens. They are superior to mRNA vaccines in the formulations required for stability and efficiency of delivery, however, they must include a nucleus that can carry the risk of vector integration and mutation in the host genome. So far, two SARS-CoV-2 DNA vaccines are in development. Inovio Pharmaceuticals developed a DNA vaccine candidate called INO-4800, which is in preclinical studies and will soon enter phase I clinical trials. Applied DNA Science subsidiaries, LineaRx, and Takis Biotech are collaborating on the development of a linear DNA vaccine candidate against SARS-CoV-2, currently in preclinical studies. Live Vector Vaccines Direct vector vaccines are live viruses (vectors) that express heterologous antigens. They are characterized by combining the strong immunogenicity of live attenuated vaccines and the safety of subunit vaccines, and are widely used to induce cellular immunity in vivo. SARS-CoV-2 related vaccine research has been carried out by the following institutions.

Greffex Inc. Houston-based has completed construction of the SARS-CoV-2 adenovirus vector vaccine with the Greffex Vector Platform and should now move to animal testing. Tonix Pharmaceuticals announced research to develop a potential SARS-CoV-2 vaccine based on Horsepox Virus (TNX-1800). Johnson & Johnson has adopted the AdVac® adenoviral vector platform for vaccine development. Synthetic Peptide Vaccine or Epitope. These vaccines contain only certain intact antigen fragments and are usually prepared by chemical synthesis techniques. They are easier in preparation and quality control. However, the low molecular weight and structural complexity of these vaccines usually results in low immunogenicity, so structural modifications, delivery systems, and adjuvants are also required in the formulation. Genex Biotechnology announced that it is working with a third-party group to produce a peptide vaccine against pandemic viruses using Nu Genex Immunology's patented IG-Key technology which uses synthetic peptides to mimic essential protein regions of the virus chemically linked to 4-amino acids Ii -Key to ensure strong immune system activation.

3.1.1. Vaccines Viewed from Religious Side

Basically, the vaccine is ways to maintain health. It is also in accordance with Islamic teachings where we must protect someone's life. The reason is, vaccines are used to protect someone from the threat of disease. However, currently there are vaccines that are produced using non-halal ingredients. However, vaccines can still be given on an emergency basis. To the COVID-19 vaccine law from Sinovac himself, the MUI issued a fatwa namely halal and holy. Then related to the halal aspect, after a long discussion of the results of the explanation from the auditors' team, the fatwa commission agreed that the COVID-19 vaccine produced by Sinovac proposed by Bio Farma is legal and halal, this is related to its halal aspects.

Meanwhile, Indonesian Ulema Council (MUI) also issued a fatwa regarding vaccine law in Islam. Meanwhile, the first fatwa on the rubella vaccine law in Islam is (1) haram because the production of the vaccine uses pork. The next fatwa written in letter Number 33 of 2018 concerning the Use of MR (Measles Rubella) Vaccine products from SII for immunization is (2) allowed (mubah) because (a) there is a condition of compulsion, (b) there has not been a rubella vaccine that is halal and pure, and (c) there is a statement from a competent and trusted expert regarding the dangers arising from not being immunized and the absence of a halal vaccine.

3.1.2. Vaccines are reviewed from Criminal Law and Health Law and State Administrative Law

Juridically, refusal of Covid-19 vaccination which is part of the implementation of health quarantine can be subject to criminal sanctions. Based on the ratio legis Article 15 paragraph (2) in conjunction with Article 93 of Law Number 6 Year 2018 concerning Health Quarantine, the construction of the meaning "That everyone who does not comply with the administration of health quarantine shall be punished with imprisonment of one maximum. years and / or a maximum fine of Rp. 100,000,000 (one hundred million rupiah). Based on this explanation, Covid-19 vaccination is in principle a legal obligation and not a right. In principle, everyone has the right to choose the health services that are needed for him / herself. This is in line with the provisions of Article 5 of Law Number 36 Year 2009 concerning Health, which reads "Everyone has the right to independently determine the health services that are needed for himself".

Based on these provisions, Covid-19 vaccination is an individual right as part of the selection of their own health services. However, if legal construction is used systematically (referring to the statutory system comprehensively) and contextually (actual conditions), then the individual rights Covid-19 vaccination will transform into a public right when linked to health emergencies and infectious disease outbreaks which have implications for fulfilling the right to health for the wider community, where these consequences are the government's constitutional responsibility. The massive spread of Covid-19 itself has been determined by President Jokowi as a Public Health Emergency based on Presidential Decree No.11 of 2020. Logically, a public health emergency would have different excesses from normal conditions. In a review of the legal principles of the specialist *lex derogat lex generali*, the enforcement of private rights in the selection of health services (Covid-19 vaccination) in the Health Law cannot be applied because there are special conditions and provisions stipulated in the Health Quarantine Law and the Infectious Disease Outbreak Law which is more implementation. more concrete than the health law. The Health Quarantine Law and the Communicable Disease Outbreak Law override the Health Law regarding the regulation of coherent substances.

Therefore, Covid-19 vaccination as part of implementing health quarantine and solutions to infectious disease outbreaks is the domain of public rights in order to obtain health insurance and fulfillment. Without vaccination (obligation), someone could be the cause of the transmission of the disease outbreak (Covid-19) and endanger the public's (community) right to obtain health insurance and fulfillment. Therefore, the threat of criminal sanctions related to the obligation of Covid-19 vaccination in *casu* manifests as an instrument of protection of public rights, especially regarding the fulfillment of the right to health and protection from epidemics of infectious diseases which have a philosophical, sociological and juridical basis in the framework of the legal system and constitutional legitimacy. However, on the other hand, do not overlook the conception of the Health Quarantine Law and the Contagious Disease Outbreak Law as an administrative criminal law, not a specific criminal law. Theoretically, the administrative criminal law places criminal sanctions as *ultimum remedium*, meaning that criminal sanctions will be applied if the administrative sanctions approach is deemed ineffective.

Criminal sanctions in the administrative criminal law serve as a repressive-alternative (not the main) means to facilitate the administration of bureaucracy and government administration. Therefore, the application of criminal sanctions related to the Covid-19 vaccination obligation in the Health Quarantine Law must be applied and placed within the framework of being the "last drug" after administrative sanctions and preventive measures (socialization) are ineffective.

5. CONCLUSION

The Covid-19 pandemic is a pandemic that has hit the world and one of them is Indonesia. With this pandemic, Indonesia has experienced an emergency status. Through Presidential Decree Number 11 of 2020. And the government also enforces policies that must be obeyed by the community as stipulated in Article 1 number 11 of Law Number 6 of 2019 concerning Health Quarantine, it is explained that "Large-scale social prohibitions are restrictions on certain activities of residents in a certain area. areas suspected of being infected with disease and / or pollution in such a way. to prevent possible spread of disease or contamination. "

Article 49 paragraph (2) of the Health Quarantine Law states that large-scale social restrictions must be based on epidemiology. considerations, the magnitude of the threat, effectiveness, support resources, technical operations, economic, social, cultural and security considerations. Article 59 paragraph (3) of the Health Quarantine Law states that large-scale social restrictions include school and work holidays, prohibition of religious activities, and / or prohibition of activities in public places or facilities.

However, the habit of communal Indonesian society, namely like to gather together will certainly be very difficult to change in a short and urgent time. So that the role of law enforcement officers is very important in enforcing existing laws. And besides that, the Indonesian people whose population are many who earn their income from being self-employed, the existence of these regulations has resulted in the economic level of the Indonesian people dropping sharply. It is from this low economic level that many Indonesian people violate the rules of the Health protocol, all for the sake of survival.

This research is a type of doctrinal research, namely research that produces a systematic explanation of the rules of law that govern certain legal regulations, analyzes the relationship between rules and may predict future developments (research which provides a systematic exposition of the rules governing a particular legal category, analyzes the relationship between rules, explains areas of difficulty and, perhaps, predicts future developments). The approach used in this research is a conceptual approach and a statute approach related to handling the Covid-19 pandemic in Indonesia.

The results of the study show that people in society seem to be carried away with emotions to carry out their obligations as citizens who contribute to health for the Indonesian people themselves considering the emergencies in Indonesia at this time, because people can predict that if they do not participate in vaccination it has the potential to infect and even kill other people. As for punishment, this should be an *ultimum remedium*, if other institutions such as persuasive methods, socialization and even administrative sanctions related to vaccination are no longer functioning while health emergencies in Indonesia are getting worse.

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