

COVID-19 VACCINATION POLICY BY THE INDONESIAN GOVERNMENT: A CONSTITUTIONAL PERSPECTIVE

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Abstract - The existence of the Covid-19 pandemic is a very dangerous threat to the nation and state, so concrete steps are needed to deal with its spread. This research aims to find out the notion of social protection in the constitution, as well as to assess the alignment of the Indonesian Government's vaccination policy with the constitution. This research is a normative juridical legal research. This research aims to find the alignment of vaccination policies with constitutional values and assess public compliance with vaccination policies. The results show that the Indonesian constitution in the understanding of social protection adheres to the concept of socialism - solidarity which is based on the protection of human rights, justice and benefit, and as for the vaccination policy carried out by the government, it is in line with constitutional values because it contains protection of health rights.

Keywords: Vaccination; Covid-19; Policy; Constitution;

Table of Contents

Introduction

1. Problems
2. Research Method
3. Discussion

CONCLUSION

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INTRODUCTION

The Covid-19 pandemic is still the focus of the government's attention, since 2020 until now, the world including Indonesia is still hit by the spread of the Covid-19 pandemic. Various policies have been taken by the Indonesian government in an effort to reduce the spread of Covid-19, ranging from social distancing, physical distancing, to large-scale social restrictions (PSBB) (del Río, 2020). However, these efforts have not fully found a bright spot as we all hope in the form of the disappearance of the spread of the virus in the country. The spread of Covid-19 in Indonesia, recorded on May 27, 2022 there were 6,053,670 cases of people confirmed positive, who were declared cured in the amount of 5,894,103 and declared dead in the amount of 156,556. this figure, not only in quantity but this figure shows that the spread of Covid-19 to date is still increasing. Currently, the Indonesian government has taken a policy to vaccinate the public. This policy was taken as a series of efforts to stop the spread of Covid-19 in the country. The government has brought 1.2 million doses of Covid-19 vaccine into the country. The vaccine is made by Sinovac which has been clinically tested in Bandung since August 2020, this number will continue to increase along with the need to handle the pandemic in Indonesia (PD et al., 2021). The government officially implemented vaccination on January 13, 2021, with President Joko Widodo being the first to receive the vaccine. This was followed by several ministers and leaders of state institutions. Since then, the vaccination process has continued until now. The government through the Ministry of Health targets the vaccination process to be completed in Quarter One (Q1) of 2022 or precisely in March (Nugroho & Hidayat, 2021).

Vaccination is a form of government policy to protect human rights in the health sector (Pratama Sutikno, 2020). The right to health, in relation to these categories of human rights, is often included in second-generation human rights and third-generation human rights. If the right to health is related to

"individual health", it falls under economic, social and cultural rights, but if it is related to "public health", it falls under the right to development (Perwira, 2001). Both second and third generation human rights are regulated in the constitution as a form of legal certainty. The content material contained in the constitution consists of articles that provide guarantees for human rights. Human rights are a conception of humanity that was born in the history of human civilization throughout the world. Human rights are interpreted as the fruit of human struggle to maintain and achieve human dignity (Jimly Asshiddiqie, 2015).

Health is a human right that must be protected, respected, defended, and must not be ignored, reduced, or deprived by anyone. The state has the obligation and responsibility to fulfill the right to health, these obligations and responsibilities are contained in the provisions of Article 1 number 11 of Law Number 39 of 2009 concerning Health. The obligations and responsibilities of the government are to carry out a series of activities to improve the degree of public health in the form of disease prevention, especially against the spread of Covid-19. The Constitution also regulates and upholds values regarding the fulfillment of the right to health. Health is a basic human need, as it is closely correlated with the right to life. According to Locke, every individual is endowed by nature with the inherent rights to life (the right to life), liberty (the right to liberty), and ownership (the right to ownership) which cannot be revoked by the state (Pratama Sutikno, 2020). Moving on from Locke's view, it illustrates how health is the main thing for society. Therefore, it is the responsibility of the state to give full attention to health insurance for the community. The state is the embodiment of the ideal values in the constitution, so the policies taken by the government in the form of state policies reflect the values of the constitution.

The constitution is not understood as a dead document, but more than that, the constitution has incarnated and functions as the basic principles in the administration of a country that must always live following the times (the living constitution) (Dahlan Thaib et al, 2004). The constitution is always linked to constitutionalism. Walton H. Hamilton mentions "constitutionalism is the name given to the trust which men repose in the power of words engrossed on parchment to keep a government in order. The constitution is a general consensus or common agreement of all the people on basic matters related to the basic principles of life and state administration and the organizational structure of a country (Mohamad Faiz, 2016). Considering the constitution as the basic principles in the state, the provisions contained in it have important meaning to be implemented without exception, both with policy instruments and laws and regulations. In relation to the vaccination policy, the ideal values in the constitution related to the protection of citizens will have a significant legal effect.

The Constitution embraces the notion of social protection, which means the safety of all people (Habibullah, 2017). The right to health is a human right that must be guaranteed by the state because it concerns the life and life of the community, the right to life is classified as a first generation human right. The Constitution was established as an instrument to protect the constitutional rights of all Indonesian citizens. Constitutional protection is then elaborated empirically through formal legal instruments and government actions in concrete forms, including the vaccination policy currently carried out by the government. The vaccination policy departs from the formal legality of a legal instrument, because it departs from the formal legality of the law, it should be in line and in harmony with the value of rights guarantees in the constitution. The constitution is the basic and highest law in the hierarchical system of laws and regulations (Maria Farida Indrati, 2007). The constitution is the source of formal legal formation and the ideal values in it become a reference in making policies in state administration. An interesting question is whether the policy instruments taken by the government related to vaccination are in line with the constitutional understanding.

Vaccination is a government program in an effort to overcome the Covid-19 outbreak, this program is aimed at every citizen. However, the existence of this program still raises a conceptual debate between the protection of human rights or human obligations. In this paper, the author discusses the issue of vaccination policy, the discussion will use a constitutional law approach.

1. Problems

The focus of the research discusses the issue of vaccination policy, to focus this research, the author formulates the problems, namely:

1. What is the constitutional understanding of social protection in the health sector in Indonesia?

2. Has the vaccination policy protected public health rights as a whole and in line with the constitution?

2. Research Method

This research is a normative legal research that uses statutory, conceptual, and case approaches. The data used is secondary data in the form of primary, secondary, and tertiary legal materials obtained through literature studies and analyzed using qualitative analysis with systematic interpretation (Marthin Simangunsong, Alvi Syahrin, 2023). Systematic interpretation is the interpretation of a law as part of a statutory system in relation to other laws. In this research, law is conceptualized as what is written in laws and regulations or as standard rules or norms for appropriate human behavior.

3. Discussion

3.1. Social Protection in the Field of Health Rights in the Constitution


The term constitution comes from the French (*contituer*) which means to form. The term constitution is principally directed at an understanding of the circumstances or actions that led to the formation of a State (Sabrina, 2013). In the *Oxford Dictionary of law*, the word "constitution" is defined as "*the rules and practices that determine the composition and function of the organs of the central and local government in a state and regulate the relationship between individual and the state*" (Reference, 2003). Constitution is defined not only as written rules, but also concerns practices, namely what is done in the administration of the state.

The Constitution should be understood as the highest law and policy in the health sector. Therefore, there should be no health policy or health fulfillment that is contrary to the 1945 Constitution. In general, law is understood to have three main objectives, namely justice, certainty and expediency (Shidarta, 2013). Because the constitution itself is the highest level of law, then the purpose of the constitution as the highest law is to achieve and realize the highest goals (Yunizar Prajamufti, Jundiani, 2011). J. Barents states that there are three purposes of the State, namely to maintain order and tranquility, maintain power, and take care of matters relating to public interests (Jimly Asshiddiqie, 2016). Meanwhile, G.S Diponolo formulated the purpose of the constitution into five categories: power, peace, security and order, independence, justice, and welfare and happiness (Suhardjana, 2010). Lebih lanjut, secara spesifik, C.F. Strong memberikan pandangan mengenai tujuan konstitusi, yaitu: "adalah untuk membatasi tindakan sewenang-wenang pemerintah, menjamin hak-hak yang diperintah, dan mendefinisikan pelaksanaan kekuasaan yang berdaulat (Frinaldi & S., 2005). Moving on from the above view and being linked to the purpose of the State shows what the State ideally wants to achieve. James Wilford Garner as quoted by F. Isjwara states that the objectives of the State include:

1. The original goal (original), the main (primary) or the immediate (immediate);
2. Secondary objectives, such as the preservation and guarantee of common interests; as well as
3. Advancing civilization (*civilization*) (Mohammad Tavip, 2013).

James Wilford Garner's view shows that the purpose of the state is not single. Looking at the purpose of the state set out in the constitution as stated in the preamble of the 1945 Constitution in paragraph IV, "...to protect the entire Indonesian nation and the entire Indonesian homeland, and to advance the general welfare, educate the nation's life, and participate in implementing world order based on independence, lasting peace and social justice, ..." Discussions about the purpose of the state cannot be separated from the paradigm of collectivity and individualism (Soemarsono, 2017). The core of the discussion of the purpose of the state is based on and lies in the meaning of the existence of the state itself. If the state is conceptualized as a means to an end, the stronger the state, the more prosperous the people will be. However, if the state is conceptualized as different from the above, then the state's position is not at the top. The conclusion regarding social protection in the health sector is reflected through constitutional expression as stipulated in Article 28H of the 1945 Constitution:

- (1) Every person has the right to live in physical and mental prosperity, to have a place to live, and to have a good and healthy environment, and to receive health services.
- (2) Every person has the right to receive special facilities and treatment to obtain equal opportunities and benefits in order to achieve equality and justice.

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- (3) Every person has the right to social security that enables his or her full development as a human being with dignity.
 - (4) Every person has the right to social security that enables his or her full development as a dignified human being.

The substance in the provisions of Article 28H of the 1945 Constitution is based on and points from the objectives of the social welfare state in the 1945 Constitution, which is the embodiment of the concept of a welfare state (*welvaart staat* or welfare state). The welfare state concept positions the state to actively participate in the welfare of its people (welfare state). The concept of a welfare state is often also known as *verzorgingsstaat* or *sociale rechtsstaat* (social law state). Although it has a different meaning from the conceptual side, the perspective of the above concept is at the same point, namely that the state is required to realize welfare and social justice for all its people (Muhtar Said, 2019). Social protection is one of the characteristics of public welfare. Social protection is commonly understood as a form of action from various parties to protect individuals, families and groups from various risks that may occur in daily life. Meanwhile, social security is an important form of social protection that provides protection for every individual (Pakpahan & Sihombing, 2012).

The construction of Article 28H paragraph (1) of the 1945 Constitution provides confirmation that "everyone has the right to obtain health services". Health services as a form of guarantee for human rights, the right to health has a broader scope, covering all factors that contribute to a healthy life (healthy self) for individuals, such as environmental issues, nutrition, and housing (Isriawaty, 2015). Social protection in the field of health in the Constitution is based on the socialist-solidarity concept. The concept of socialist solidarity is a relatively old topic in philosophical understanding. Emile Durkheim popularized the concepts of organic solidarity and mechanical solidarity (Vladimir Rys, 2011). The concept of solidarity is based on the recognition of social duties. Solidarity generally refers to relationships between people who have an awareness of their common interests as a nation.

The Constitution has laid down the ideal value of a law, the ideal value is born and in line with the goals and ideals of the State. It should be noted that although the birth of the concept of solidarity is based on the individual axis, in the constitutional context, the State is given a significant role in guaranteeing and facilitating the implementation of health protection. The State must carry out its role in guaranteeing and protecting by forming instruments that lead to the effective implementation of social protection in the health sector.

The Constitution regulates the responsibility of the State towards social protection guarantees with various policy variants, a form of responsibility enshrined in the provisions of Article 34 paragraph (3) of the 1945 Constitution provides confirmation that: "The State is responsible for the provision of health care facilities". Health facilities are provided and guaranteed by the state in order to strengthen the pillars of the state. Thus, it can be argued that one measure of the goodness of a policy taken by the government in carrying out the values of the constitution is full attention to public health (Perwira, 2001). The Constitution mandates that access to health from the state is at the same level, meaning that every child of the nation has the same guarantee in the health sector. It is not justified for the state to discriminate in health services for the community, especially in an emergency situation of the spread of the Covid-19 pandemic like the current situation.

The constitution opens space for the government to take policies in the form of government actions (*bestuurshandeling*) in order to realize the ideal values in the constitution. Government actions (*bestuurshandeling*) or all activities of government tools in order to carry out government functions (*bestuursfunctie*), are oriented towards realizing state goals. The basis of government in state administration in a government system is fundamental, considering that with the authority possessed by the government, it can carry out its responsibilities in social protection.

Constitutional design also recognizes matters of emergency, emergency in constitutional construction cannot be interpreted as a mere specification of certain circumstances, but rather a broad matter. Article 12 of the 1945 Constitution states "The President declares a state of danger, the conditions and consequences of a state of danger are determined by law". In the eyes of the constitution, if we look closely, there are 3 (three) important elements that make up the notion of a state of emergency for the state (state of emergency) which creates a compelling urgency, namely: first, the element of a dangerous threat; second, the element of reasonable necessity; and third, the

element of limited time available (Nuh, 2011). In addition to the above elements, universally a state of emergency must be based on the principle of proportionality, this principle is considered the crux of the self-defense doctrine (Jimly Asshiddiqie, 2007).

The principle of proportionality is used as a standard to measure the level of reasonableness to determine the state of emergency. The criteria for determining the existence of necessity become clearer, the need formulated as a justification for taking emergency action is proportional. The above criteria and elements, if associated with Indonesia's current situation, show a situation that is at the level of emergency against the Covid-19 pandemic. The existence of the Covid-19 pandemic is a very dangerous threat to the nation and state, since 2020 until now Indonesia's economic growth has experienced a sharp contraction, in two years the national economy has experienced a deep contraction of up to 5, 32% (Junaedi & Salistia, 2020). Therefore, this extraordinary situation requires extraordinary measures from both the legal and governmental aspects (*bestuurshandeling*).

The constitution is a value that upholds the benefit of every citizen. The leader's policy towards his people must be based on the benefit (*tasharraf al imam 'ala raiyyah manuuthun bi al mashlahah*) (Supriyadi, 2020). Every implementation of the law must maintain human survival. Policies taken by the government in the context of protecting health rights that lead to the realization of benefits for every citizen in the Covid-19 pandemic are actions that the constitution considers constitutional, as long as the measures and criteria carried out meet the provisions such as the concept of emergency and the principle of social solidarity.

Bung Hatta mentioned that the conception of an independent state that was built was a state of management. This concept is then affirmed in the values of the social constitution or social welfare constitution. In the construction of the social constitution, the state is given the responsibility to prevent and resolve social disasters, one of which is the Covid-19 pandemic. The state has an obligation to protect, guarantee and promote human rights (health rights) as mandated by the constitution. Therefore, it can be said that government policies directed at fulfilling these three obligations are actions that are in harmony and in line with the constitution. Reaffirming that health is a human right that cannot be restricted or delayed, because it is in direct contact with the livelihood and life of humans. To quote the wise words of Mahatma Gandhi, "True treasure is health, not gold and silver (Lorentius Edy Wahyudi, 2011). The sentence is a proof of how health has a very high value for human life.

3.2. Covid-19 Vaccination Policy Design in an Effort to Protect Health Rights

The 1945 Constitution is a constitution that has the soul value of Pancasila, which Pancasila is the soul or spirit while the body of the Constitution is the body (Jimly Asshiddiqie, 2015a). This concept means that reading the 1945 Constitution does not only stop at the written text which is a grammatical approach, but the reading of the constitution must also dive, explore and absorb the values contained therein. The search for ideal values in the constitution cannot only use the method of reading the text of the constitution alone because the ideal values in the constitution originate from the soul of the nation and the law that lives in the community (*living law*).

The Constitution is the supreme law so that it becomes the basis in terms of regulating legal norms that are sectoral and operational in nature, so that the content material of regulating laws is not allowed to conflict with the Constitution. In my opinion, formally, the opposition to the constitution is not only on the law (*formele Gezet*), but in essence the ideal values contained in the constitution do not only stop at the *formele Gezet* but also touch the legal norms and government actions. Why is this so, considering that the essence of the value of the constitution is not limited to laws alone, but the value of the constitution penetrates formal spaces towards substantive values in every government activity.

The Constitution is the basis for every law, and Law Number 6/2018 on Health Quarantine is no exception. In the Covid-19 pandemic situation, the Health Quarantine Law is the central law for the government to make policies based on its authority. Judging from the philosophical spectrum as stated in the rationale for the Health Quarantine Law, there are several noble goals, namely: First, whole human development. Second, preventive action against health risks in a comprehensive and coordinated manner, and Third, protection and respect for human rights.

The world and even Indonesia are still grappling with the Covid-19 pandemic, the number of sufferers is increasingly showing an upward trend, although on the one hand we should be grateful that the increasing number is also accompanied by a significant trend of recovery. The current government continues to move to suppress and eliminate the spread of the virus in Indonesia, but from a constitutional perspective, government activities in an effort to suppress the spread of the virus must also remain in line with the constitution. Enforcing the law should not be by breaking the law, seeking benefits is not right to negate others. The constitution adheres to the communal socialist understanding, meaning that the benefit is for all not for some. The constitution's perspective is certainly different from the classic view of the utilitarian figure Jeremy Bentham "the greatest happiness of the greatest number" (the greatest happiness of the greatest number of people) (Bentham, 2020).


The government has taken a policy to vaccinate every Indonesian citizen in order to stop the spread of Covid-19. The policy of procuring and administering vaccines carried out by the government is a form of effort to eliminate the spread of Covid-19. The construction of the Covid-19 handling policy by vaccinating the public can be assessed from three important aspects, namely substance, structure, and legal culture. According to Lawrence M. Friedman, the legal structure shows:.... *its skeleton or framework, the durable part, which gives a kind of shape and definition to the whole.... The structure of a legal system consists of element of this kind: the number and size of courts; their jurisdiction (that is, what kind of cases they hear, and how and why); and modes of appeal from one court to another. Structure also means how the legislature is organized, how many members..., what a president can (legally) do or not do, what procedures the police department follows, and so on. Structure, in a way, is a kind of cross section of the legal system a kind of still photograph, which freezes the action* (Shidarta, 2013).

The substance of law, namely the actual rules, norms, and behavior patterns of people inside the system. Then he further explained about the legal culture which he understood could be given the same limitations as "legal awareness" (Shidarta, 2017). In line with Friedman's view, Kees Schuit also provides a view of the legal system, namely: the idiil element, which is an element formed from the legal meaning system which includes rules, rules and principles. Operational elements, namely the overall organization - organizations and institutions - institutions that exist in the legal system. And the actual element, namely all decisions and concrete actions (Mamede et al., 2017).

Regulations regarding vaccination are expressly regulated by Presidential Regulation Number 99 of 2020 concerning Vaccine Procurement and Vaccination Implementation in the Context of Overcoming the Corona Virus Disease 2019 (Covid-19) Pandemic (Perpres No. 99 of 2020). Moving on from the rationale contained in Presidential Regulation Number 99 of 2020, it can be concluded that the regulation contains substance, namely first, the spread of Corona Virus Disease 2019 (Covid-19) has been declared by the World Health Organization (WHO) as a global pandemic. second, the acceleration and certainty of the procurement of the Covid-19 Vaccine and the implementation of the COVID-19 Vaccination. And the acceleration of the procurement of the Covid-19 Vaccine and COVID-19 Vaccination requires extraordinary measures and special arrangements. Furthermore, Article 1 paragraph (2) states: The scope of implementation of Vaccine procurement and implementation of Covid-19 Vaccination includes:

- a. procurement of Covid-19 Vaccine;
- b. the implementation of Covid-19 Vaccination;
- c. funding for the procurement of Covid-19 Vaccine and the implementation of Covid-19 Vaccination; and
- d. support and facilities from ministries, institutions, and local governments.

Presidential Regulation Number 99 of 2020 above, indicates that in substance the spread of Corona Virus Disease 2019 (Covid-19) is categorized as a global pandemic that requires extraordinary handling and special arrangements. Therefore, the presence of Presidential Regulation No. 99 of 2020 formally and meteril in order to provide legality to the government to take action in a health emergency due to a dangerous threat. In addition to Presidential Regulation No. 99 of 2020, there are also Minister of Health Regulation No. 84 of 2020 concerning the Implementation of Vaccination in the Context of Overcoming the Covid-19 Pandemic and Minister of Health Decree No. HK.01.02./MENKES/12758/2021 concerning Determination of Vaccine Types for the Implementation of Covid-19 Vaccination.



The existence of legal instruments regulating the implementation of vaccination does not stand alone but is based on the command and/or interpretation of constitutional values. In the constitution as stated in the preamble, namely protecting the entire Indonesian nation, the meaning of protecting includes various aspects including protection of health rights. This is in line with the provisions of Article 28H paragraph (1) which states "Everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy environment, and to receive health services". The right to health is closely connected to the right to life, therefore in the constitutional design health services become a human right that has a direct impact on the fulfillment of the right to life as stipulated in the provisions of Article 28I paragraph (1), namely "The right to life, the right not to be tortured, the right to freedom of thought and conscience, the right to religion, the right not to be enslaved, the right to be recognized as a person before the law, and the right not to be prosecuted on the basis of a retroactive law are human rights that cannot be reduced under any circumstances.

The Presidential Regulation and Minister of Health Regulation are legal instruments used to vaccinate the public. These legal instruments are the legality owned by the government in order to provide protection to the constitutional rights of the community. Health is a constitutional right guaranteed in the 1945 Constitution which must be protected, respected and defended and must not be ignored by the state. The substance contained in the provisions of the 1945 Constitution is then elaborated into Law Number 39 of 2009 concerning Health which regulates concretely the fulfillment of health. Every legal substance contains values that can be interpreted as a universal truth and justice. Besides that, legal truth and justice are in direct contact with the morality system. The moral system in society gets internalized so that it takes the form of social morality.

In relation to the existence of the above legal instruments as a substance in handling Covid-19, it is interpreted as containing a system of justice and social morality. The availability of rules is important to provide legal certainty value to the government, legal certainty is one of the values of law that has an important role in maintaining legal order. Gustav Radbruch, a good law must be able to contain the understanding that the law can bring legal certainty, legal justice and legal benefits (Putri & Arifin, 2018). Presidential Decree No. 33 of 2022 on the third amendment to Presidential Decree No. 99 of 2020 regulates the handling of vaccinations which are fully handled by the government, in this case the Ministry of Health, and can also involve legal entities and / or business entities in addition to providing space for the involvement of other ministries and local governments in providing facilities and budgets in the vaccination process, as illustrated in the following provisions:

1. The Ministry of Finance is responsible for preparing the vaccination budget.
2. The Ministry of Foreign Affairs functions to conduct vaccine procurement diplomacy with vaccine producing countries.
3. The Ministry of State-Owned Enterprises functions in guiding and supervising the ranks of SOEs in vaccination assignments.
4. Ministry of Home Affairs to coordinate local governments in vaccination activities.
5. The Food and Drug Monitoring Agency serves to grant approval for the implementation of the Covid-19 Vaccine clinical trial.
6. Head of the Indonesian National Police to provide security support in the implementation of vaccination.
7. Commander of the Indonesian National Army to provide support in the implementation of vaccination.
8. Regional Government to provide support for the implementation of Covid-19 Vaccination including budget support and other necessary support.

The narrative above illustrates that there are nine structures outside the Ministry of Health that have the authority and function to organize vaccination activities. It is an interesting question, which institution is the main leading sector in organizing this vaccination? At first glance, it appears that the Ministry of Health is the main structure in organizing vaccination. However, the norm construction of Presidential Regulation No. 99/2020 specifically on the structure of vaccination implementation does not explicitly regulate this. This component is important, considering that many other ministries/institutions are directly involved in organizing this vaccination. So ideally, the norm construction of Presidential Regulation No. 99 of 2020 is given confirmation of the status of the main structure in organizing vaccinations, considering that the position of the ministries involved is at the same level. In the author's opinion, the Ministry of Health (Minister of Health) is given full authority through legal instruments as the main structure in organizing vaccinations. This clarity is important in

order to provide legal certainty regarding the form of responsibility and legal remedies in the future if there are obstacles in the vaccination implementation process. Until now, the Indonesian government continues to implement the Covid-19 vaccination policy, this is done to ensure that the right to health of the Indonesian people guaranteed by the constitution can be realized properly. Since the beginning of the vaccine implementation until now, a very large number of vaccinations have been carried out. The details of the vaccination implementation are as follows :

1. Vaccination dose 1 that has been administered amounted to 203,810,278.
2. Dose 2 vaccinations that have been administered amounted to 174,836,395.
3. Dose 1 vaccination for health workers administered totaling 2,050,243.
4. Dose 2 vaccinations for health workers that have been administered totaled 2,017,835.
5. Dose 1 vaccination for public officials, a total of 18,230,707 has been administered.
6. Dose 2 vaccinations for public officials that have been administered totaled 17,096,561.
7. Dose 1 vaccination for the elderly, which amounted to 18,295,317.
8. Dose 2 vaccinations for the elderly that have been administered totaled 15,165,973.

The data above shows that until now the vaccination policy in Indonesia continues to be carried out to touch all levels of society, this policy was taken to welcome the recovery of the national economy and the global economy.

CONCLUSION


The constitution contains ideal values as a reference in governance. These ideal values reflect justice and benefit for every citizen. Currently, Indonesia is at the level of a health emergency due to the spread of the Covid-19 pandemic. The existence of the Covid-19 pandemic is a dangerous threat to the nation and state. This threat certainly provides social shocks for the community, so social protection in the health sector is needed. Social protection in the constitutional understanding has a social-solidarity theme that rests on the protection of human rights as part of human dignity in achieving benefits. The existence of legal instruments in the form of Presidential Regulation No. 99 of 2020, Minister of Health Regulation No. 84 of 2020 and Minister of Health Decree No. HK.01.02./MENKES/12758/2021 concerning Determination of Vaccine Types for the Implementation of Covid-19 Vaccination is in line with constitutional values because it contains protection of health rights.

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