

Verplichte Overheidszaken Principle on the Perspective of Covid-19 Vaccination in
Indonesia

I Nyoman Prabu Buana Rumiarta
rbp.prabu@gmail.com

Abstract

That the outbreak of Covid-19 in December 2019, made the entire world community feel the impact of the spread of the covid-19 virus. The COVID-19 pandemic poses a big challenge for the government of a country in an effort to improve the health status of the community, one of which is Indonesia. The government is trying to break the chain of disease transmission through vaccination efforts to prevent Covid-19 infection. The Covid-19 vaccination law policy in Indonesia related to Presidential Regulation of the Republic of Indonesia Number 14 of 2021 concerning Amendments to Presidential Regulation Number 99 of 2020 concerning Vaccine Procurement and Vaccination Implementation in the Context of Overcoming the Corona COVID-19 Pandemic (Perpres 14/2021) has been issued by President. The Covid-19 vaccination aims to reduce the transmission/contagion of COVID-19, reduce morbidity and mortality due to COVID-19, achieve group immunity in the community, and protect the community from COVID-19 in order to remain socially and economically productive. Covid-19 vaccination during a pandemic is a "Public Goods" effort carried out by the Government as an Obligatory Public Health Functions, therefore all vaccination costs must be fully borne by the government as in line with the *Verplichte Overheidszaken* Principle in a country in organizing and or run the government.

Keywords : Principles of *Verplichte Overheidszaken*, Vaccination, Covid-19, Indonesia.

1. Background

That basically the Covid-19 vaccination is carried out by the government in order to protect the community as a whole, increase productivity and income and welfare, in this case related to the term prevention is better than cure. Health is an important basis as a guide for how to solve problems so that they can be completed effectively and efficiently, so it is important for the government to carry out Covid-19 vaccination in order to protect the community as a whole, increase productivity and income and welfare.

Coronavirus is an RNA virus with a particle size of 120-160 nm. This virus mainly infects animals, including bats and camels. Before the COVID-19 outbreak, there were 6 types of coronavirus that could infect humans, namely alphacoronavirus 229E, alphacoronavirus NL63, betacoronavirus OC43, betacoronavirus HKU1, Severe Acute Respiratory Illness Coronavirus (SARS-CoV), and Middle East Respiratory Syndrome Coronavirus (MERS-CoV).

Coronaviruses (CoV) are a large family of viruses that cause illness ranging from the common cold to more severe illnesses such as Middle East Respiratory Syndrome (MERS-CoV) and Severe Acute Respiratory Syndrome (SARS-CoV). Coronavirus disease 2019 (COVID-19) is a new type of corona virus that was discovered in 2019 and has never been identified in humans (Task Force for the Acceleration of Handling COVID-19 of the Republic of Indonesia).

Whereas in Indonesia the legal infrastructure related to the policy for handling the Covid-19 pandemic has been issued by the President in the form of Government Regulation in Lieu of Law (Perppu) Number 1 of 2020 concerning State Financial Policy and Financial System Stability for Handling the Coronavirus Disease-2019 (Covid-19) Pandemic. , and the DPR has also approved it into law, as well as the inauguration of Presidential Regulation Number 82 of 2020 concerning the Committee for Handling Corona Virus Disease 2019 (Covid-19) and National Economic Recovery. This committee consists of two task forces, namely the Covid-19 handling task force and the national economic recovery task force.

Furthermore, the issuance of Presidential Regulation of the Republic of Indonesia Number 14 of 2021 concerning Amendments to Presidential Regulation Number 99 of 2020 concerning Vaccine Procurement and Vaccination Implementation in the Context of Combating the Corona COVID-19 Pandemic in Article 13A paragraph (2) states that everyone who has been designated as a target recipient Covid-19 vaccines based on the data collection as referred to must follow the Covid-19 vaccination.

State responsibility is a fundamental principle in law, both international law originating from the doctrine of sovereignty and equality of rights between countries as well as national law rooted in the constitution of a country. That the theory of state responsibility is related to the *Verplichte Overheidszaken* Principle in a country in organizing and or running the government. From the above background, how is the *Verplichte Overheidszaken* Principle in a country in organizing and or running the government in carrying out the procurement of covid-19 vaccination in Indonesia.

2. Formulation of the problem

How is the principle of *verplichte overheidszaken* explained in the implementation of the covid-19 vaccination in Indonesia?

3. Research Methods

This study uses a normative juridical legal research type, which is to examine and analyze legal materials and issues based on statutory regulations. This research was conducted to solve legal problems that arise while the results to be achieved are prescriptions about what should be done. In this case, the research is related to the explanation of the principle of *verplichte overheidszaken* in the implementation of the covid-19 vaccination in Indonesia.

The approach method used in this study uses several techniques as follows:

a. Legal Approach (Statute Approach)

That is the approach by using legislation and regulations. Legal research at the level of legal dogmatics cannot escape from the statutory approach because the subject studied comes from statutory regulations. The legal approach is carried out by reviewing all laws and regulations related to the principle of *verplichte overheidszaken* in the administration of covid-19 vaccination in Indonesia.

b. Conceptual Approach (Conceptual Approach)

That is an approach that moves from the views and doctrines that develop in the science of law, in order to find ideas that give birth to legal understandings, and legal principles or legal arguments that are the basis of researchers to build legal arguments in solving issues. faced. This conceptual approach is used to find the views and doctrines that have developed in legal science, the study of legal principles related to the explanation of the principle of *verplichte overheidszaken* in the administration of covid-19 vaccination in Indonesia.

4. Theoretical basis.

a. State Responsibility Theory

State responsibility is a fundamental principle in law, both international law originating from the doctrine of sovereignty and equality of rights between countries as well as national law rooted in the constitution of a country.

National law originating from the constitution of a country as the basis for state responsibility in this case can be linked to Presidential Regulation of the Republic of Indonesia Number 14 of 2021 concerning Amendments to Presidential Regulation Number 99 of 2020 concerning Vaccine Procurement and Vaccination Implementation in the Context

of Overcoming the Corona COVID-19 Pandemic. 19, as a national law as a form of state responsibility in providing health protection for the people in Indonesia.

b. Rule of Law theory.

A state based on law is characterized by several elements, including all acts or actions of the government or the state must be based on legal provisions that existed before the act or action was carried out. The State of Indonesia is a state of law (Rechtstaat), this is as stated in the provisions of Article 1 paragraph (3) of the Constitution of the Republic of Indonesia (UUD NRI 1945).

Social scientists who have a professional interest in the word law find it difficult to grasp the essence of law in a simple language. According to Emanuel Kant, no jurist is capable of making a precise legal definition.

The constitution of a country clearly describes the contents of the constitution according to Mr. J. G Steenbeek, that the content of the constitution is basically a guarantee of the rights of a human being and its citizens, a fundamental constitutional structure of a country is established, the division and limitation of constitutional tasks are also fundamental.

The rule of law adopted by Indonesia is basically not a static legal state, but a dynamic legal state that always follows the development of the times and the needs of its people. This shows that the dynamics of the life of the state and society must be anticipated and responded to and stated in the state constitution by making changes (amendments) to the state constitution (UUD) in various laws and regulations.

The rule of law is a state based on law and guarantees justice for its citizens. The point is that all powers and actions of state equipment or authorities are solely based on law or in other words regulated by law. This will reflect justice for the social life of its citizens.

The rule of law in this case is the existence of a product of legislation as a legal basis in regulating the nation and state, in this case in the context of the issuance of Presidential Regulation of the Republic of Indonesia Number 14 of 2021 concerning Amendments to Presidential Regulation Number 99 of 2020 concerning Vaccine Procurement and Vaccination Implementation in The framework for the handling of the COVID-19 pandemic in Article 13A paragraph (2) states that everyone who has been designated as the target

recipient of the Covid-19 vaccine based on the data collection referred to is obliged to take part in the Covid-19 vaccination.

5. Results and Discussion

That in December 2019, the first mysterious case of pneumonia was reported in Wuhan, Hubei Province. The source of the transmission is still unknown, but the first case was linked to a fish market in Wuhan. From December 18 to December 29 2019, there were five patients who were treated with Acute Respiratory Distress Syndrome (ARDS). From December 31, 2019 to January 3, 2020, this case increased rapidly, marked by the reported 44 cases. In less than a month, the disease has spread to other provinces in China, Thailand, Japan, and South Korea.

The sample under study shows the etiology of the new coronavirus. Initially, this disease was temporarily named as 2019 novel coronavirus (2019-nCoV), then WHO announced a new name on February 11, 2020, namely Coronavirus Disease (COVID-19) caused by the Severe Acute Respiratory Syndrome Coronavirus-2 (SARS-CoV-2). This virus can be transmitted from person to person and has spread widely in China and more than 190 other countries and territories. On March 12, 2020, WHO declared COVID-19 a pandemic. As of March 29, 2020, there were 634,835 cases and 33,106 deaths worldwide. According to Doctor H. Mohamad Subuh, MPPM, Expert Staff for Health Economics at the Ministry of Health, vaccination is a specific prevention of a disease. If the vaccination is successful, then the individual is healthy, the family is healthy, the community structure is healthy, then productivity will increase. Income also increases so that state income also increases, Indonesia becomes a healthy country not only physically but also financially healthy and can provide maximum service.

Whereas in Indonesia the legal infrastructure related to the policy for handling the Covid-19 pandemic has been issued by the President in the form of Government Regulation in Lieu of Law (Perppu) Number 1 of 2020 concerning State Financial Policy and Financial System Stability for Handling the Coronavirus Disease-2019 (Covid-19) Pandemic. , and the DPR has also approved it into law, as well as the inauguration of Presidential Regulation Number 82 of 2020 concerning the Committee for Handling Corona Virus Disease 2019 (Covid-19) and National Economic Recovery. This committee consists of two task forces, namely the Covid-19 handling task force and the national economic recovery task force.

Furthermore, the issuance of Presidential Regulation of the Republic of Indonesia Number 14 of 2021 concerning Amendments to Presidential Regulation Number 99 of 2020 concerning Vaccine Procurement and Vaccination Implementation in the Context of Combating the Corona COVID-19 Pandemic in Article 13A paragraph (2) states that everyone who has been designated as a target recipient Covid-19 vaccines based on the data collection as referred to must follow the Covid-19 vaccination.

State responsibility is a fundamental principle in law, both international law originating from the doctrine of sovereignty and equality of rights between countries as well as national law rooted in the constitution of a country. That the theory of state responsibility is related to the *Verplichte Overheidszaken* Principle in a country in organizing and or running the government.

Verplichte Overheidszaken in Dutch is called Mandatory Government Affairs. The *Verplichte Overheidszaken* principle is a principle that states mandatory government affairs, in this case mandatory government affairs are government affairs that must be carried out by local governments related to basic services for the community, such as basic education, health, environment, transportation, population and so on. Covid-19 vaccination during a pandemic is a "Public Goods" effort carried out by the Government as an Obligatory Public Health Functions, therefore all vaccination costs in terms of procurement and implementation of Covid-19 vaccination must be fully borne by the government as in line with the principle *Verplichte Overheidszaken* in a country in organizing and or running a government that aims for public health and welfare.

The *Verplichte Overheidszaken* principle relates to the state's responsibility in terms of the state's obligation to protect and fulfill the elements of public health. It contains 2 important elements, namely:

1. The obligation to act; (obligation to conduct) means that it will require the state to take certain steps to carry out the fulfillment of a right. For example: Right to Health, namely getting the Covid-19 Vaccination.
2. Obligation to result means that it will require the state to achieve certain targets in order to meet measurable substantive standards. Example: The government's program to reduce the impact of Covid-19 on the weakening of the country's economy.

State responsibility is a fundamental principle in law, both international law originating from the doctrine of sovereignty and sovereignty equal rights between countries as well as national laws that are rooted in the constitution of a country.

National law originating from the constitution of a country as the basis for state responsibility in this case can be linked to Presidential Regulation of the Republic of Indonesia Number 14 of 2021 concerning Amendments to Presidential Regulation Number 99 of 2020 concerning Vaccine Procurement and Vaccination Implementation in the Context of Overcoming the Corona COVID-19 Pandemic. 19, as a national law as a form of state responsibility in providing health protection for the people in Indonesia. This is related to the *Verplichte Overheidszaken* Principle which is a principle that states mandatory government affairs, in this case mandatory government affairs are government affairs that must be carried out by regional governments related to basic services for the community, one of which is the fulfillment of the health sector, namely Vaccination. Covid-19.

6. Conclusion.

Presidential Regulation of the Republic of Indonesia Number 14 of 2021 concerning Amendments to Presidential Regulation Number 99 of 2020 concerning Procurement of Vaccines and Implementation of Vaccinations in the Context of Combating the Corona COVID-19 Pandemic in Article 13A paragraph (2) states that everyone who has been designated as a target recipient of the Covid vaccine -19 based on the data collection as referred to in paragraph (1) must participate in the Covid-19 vaccination.

Verplichte Overheidszaken in Dutch is called Mandatory Government Affairs. The *Verplichte Overheidszaken* principle is a principle that states mandatory government affairs, in this case mandatory government affairs are government affairs that must be carried out by local governments related to basic services for the community, such as basic education, health, environment, transportation, population and so on. Covid-19 vaccination during a pandemic is a "Public Goods" effort carried out by the Government as an Obligatory Public Health Functions, therefore all vaccination costs in terms of procurement and implementation of Covid-19 vaccination must be fully borne by the government as in line with the principle *Verplichte Overheidszaken* in a country in organizing and or running a government that aims for public health and welfare.

The *Verplichte Overheidszaken* principle is related to the state's responsibility in terms of the state's obligation to protect and fulfill the elements of public health. It contains 2 important elements, namely the first obligation to act; (obligation to conduct) means that it will require the state to take certain steps to carry out the fulfillment of a right. For example: Right to Health, namely getting the Covid-19 Vaccination. Second, obligation to result means that it will require the state to achieve certain targets in order to meet measurable substantive

standards. Example: The government's program to reduce the impact of Covid-19 on the weakening of the country's economy.

State responsibility is a fundamental principle in law, both international law originating from the doctrine of sovereignty and equality of rights between countries as well as national law rooted in the constitution of a country. National law originating from the constitution of a country as the basis for state responsibility in this case can be linked to Presidential Regulation of the Republic of Indonesia Number 14 of 2021 concerning Amendments to Presidential Regulation Number 99 of 2020 concerning Vaccine Procurement and Vaccination Implementation in the Context of Overcoming the Corona COVID-19 Pandemic. 19, as a national law as a form of state responsibility in providing health protection for the people in Indonesia. This is related to the *Verplichte Overheidszaken* Principle which is a principle that states mandatory government affairs, in this case mandatory government affairs are government affairs that must be carried out by local governments related to basic services for the community, one of which is the fulfillment of the health sector, namely Vaccination. Covid-19.

7. Recommendation

The recommendation of this research is the importance of evenly distributed Covid-19 vaccination throughout Indonesia with the participation of the government and the community in its implementation and the role of the private sector is also needed in cooperation in the procurement of COVID-19 vaccines so that the fulfillment of Covid-19 vaccinations is evenly distributed throughout Indonesia. Vaccination carried out with the application of health protocols remains the main thing that needs to be done by the whole community, including health workers,

BIBLIOGRAPHY

Riedel S, Morse S, Mietzner T, Miller S. Jawetz, Melnick, & Adelberg's Medical Microbiology. 28th ed. New York: McGraw-Hill Education/Medical; 2019.

Jimly Asshiddiqie, 2005, *Hukum Tata Negara dan Pilar-Pilar Demokrasi*. Konstitusi Press, Jakarta.

Peter Mahmud Marzuki, 2005, *Penelitian hukum*, Prenada Media, Jakarta.

Sugiyanto dan Bambang Giyanto, 2008, *Hukum Administrasi Negara*, Lembaga Administrasi Negara-Republik Indonesia, Jakarta.

Ahmad Ali, 2012, *Menguak Teori Hukum dan Teori Peradilan*, Kharisma Putra Utama.

Abu Daud Busro dan Abu Bakar Busro, 2003, Asas-asas Hukum Tata Negara, Ghoila Indonesia, Jakarta.

C. Martin Rumende, Coronavirus Disease 2019: Tinjauan Literatur Terkini, Jurnal Penyakit Dalam Indonesia | Vol. 7, No. 1 | Maret 2020.