

# Tanggung jawab pemerintah dalam Program COVID-19 sebagai bentuk penegakkan hak atas kesehatan terhadap pengungsi dan pencari suaka tanpa kewarganegaraan di Indonesia = Government responsibilities in the COVID-19 Program as right to health enforcement for stateless asylum seekers and refugees in Indonesia

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## Abstrak

Hak atas Kesehatan semakin sulit ditegakkan dalam Pandemi COVID-19, terutama bagi pengungsi dan pencari suaka tanpa kewarganegaraan di Indonesia. Sebagai negara yang belum meratifikasi Konvensi 1951 dan protokol 1967, hak atas kesehatan pengungsi ditanggung oleh UNHCR dan IOM. Pemerintah melaksanakan program vaksinasi COVID-19 dengan tujuan menghentikan penyebaran COVID-19. Pengaturan mengenai program vaksinasi oleh pemerintah ditetapkan dalam Peraturan Menteri Kesehatan No. 18 Tahun 2021 tentang Pelaksanaan Vaksinasi Dalam Rangka Penanggulangan Pandemi Corona Virus Disease 2019 (COVID-19) dan lebih jelasnya dalam Keputusan Menteri Kesehatan No. HK.01.07/MENKES/6424/2021 Petunjuk Teknis Pelaksanaan Vaksinasi dalam Rangka Penanggulangan Pandemi Corona Virus Disease 2019 (COVID-19). Pengungsi dan pencari suaka tanpa kewarganegaraan memiliki hak atas kesehatan layaknya seluruh warga negara Indonesia dan pemerintah memiliki kewajiban untuk melindungi, memenuhi dan menghormati hak atas kesehatan. Pemerintah telah menciptakan program Vaksinasi COVID-19 yang belum dapat diakses oleh pengungsi dan pencari suaka tanpa kewarganegaraan dikarenakan adanya hambatan administrasi berupa kepemilikan kartu identitas. Pengungsi Rohingya sebagai pengungsi dan pencari suaka tanpa kewarganegaraan telah menerima vaksinasi tetapi memiliki kesulitan untuk mengakses aplikasi peduliLindungi yang merupakan bagian dari program vaksinasi COVID-19 dikarenakan hambatan administrasi tersebut. Dengan penelitian ini diharapkan kepada Kementerian Kesehatan, untuk menghapus hambatan administrasi tersebut dan dibuat peraturan yang sesuai dengan perundang-undangan agar tercipta kepastian hukum.

.....The right to health is increasing difficult to enforce in the COVID-19 Pandemic, especially for stateless refugees and asylum seekers in Indonesia. As a country that has yet to ratify the 1951 Convention and the 1967 Protocol, the refugees and asylum seekers right to health are UNHCR and IOM responsibility. The government has implemented a COVID-19 Vaccination Program to prevent the spreading of the COVID-19 and is stipulated in Minister of Health Regulation no. 18 of 2021 concerning the Implementation of Vaccination in the Context of Combating the Corona Virus Disease 2019 (COVID-19) Pandemic and more thoroughly in the Decree of the Minister of Health No. 01.07/MENKES/6424/2021 Technical Instructions for the Implementation of Vaccination in the Context of Combating the Corona Virus Disease 2019 (COVID-19) Pandemic. This research explains describes the problems descriptively. This research is in the form of normative juridical research with qualitative methods. As the subject of this research, refugees and asylum seekers have the right to health like all Indonesian citizens and the government is obliged to protect this right to health. The government has established a COVID-19 Vaccination Program, that has not been accessible to stateless refugee and asylum seekers due to administrative obstacle in the form of identity ownership. Rohingya refugees as stateless refugees or asylum seekers have received vaccinations but have

difficulty accessing PeduliLindungi application which is part of the COVID-19 Vaccination Program due to these administrative barriers. With this research, it is advised that the Ministry of Health will remove these administrative barriers and make regulation that are in accordance with the legislation to establish legal certainty.