

# Analisis Yuridis Terhadap Usulan Pengabaian Aturan Paten (Patent Waiver) Terhadap Vaksin COVID-19 Kepada World Trade Organization (WTO) = Juridical Analysis of Proposed Waiver of Patent Rules (Patent Waiver) for the COVID-19 Vaccine to the World Trade Organization (WTO)

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## Abstrak

Corona Virus Disease-19 (COVID-19) mulai menyebar ke berbagai belahan dunia sejak Desember 2019 yang diketahui pertama kali ditemukan di Wuhan, China. Tentu saja hal ini telah membawa bencana besar bagi 216 negara di dunia, pasalnya tidak ada satu negara pun yang imun terhadap virus ini dan epidemi telah menyebar ke berbagai benua dan menyerang banyak aspek pada masyarakat dunia. Kondisi memprihatinkan seperti ini menuntut negara berperan lebih kuat dengan memberikan proteksi pelayanan yang lebih baik. Selain itu juga, kondisi seperti ini menimbulkan pertanyaan besar tentang bagaimana negara-negara di dunia mengatasi hal ini. Di tengah Pandemi COVID-19 ini banyak ilmuwan berlomba untuk segera menemukan vaksin yang efektif untuk melawan virus ini. Contoh salah satu yang berhasil adalah penemuan ModernaTX, Inc., yang merupakan perusahaan biofarmasi yang berfokus pada penelitian, pengembangan, pembuatan, dan komersialisasi vaksin, dan perusahaan ini berbasis di Cambridge, Massachusetts, Amerika Serikat. Melihat pandemi COVID-19 yang semakin memperhatikan, terlebih lagi di negara berkembang, banyak negara yang mendesak untuk dilakukannya pengabaian sementara aturan paten (patent waiver) Vaksin COVID-19 di masa krisis ini. Misalnya India dan Afrika Selatan yang mengajukan Proposal Paten Waiver kepada WTO, alasannya tidak lain agar vaksin bisa dijangkau oleh semua kalangan dan diharapkan dapat menangani pandemi COVID-19. Tentu hal ini menimbulkan polemik diantara negara maju dan negara berkembang di mana ada dua kepentingan yang berbeda, negara yang satu melindungi investornya dan negara yang satu melindungi masyarakatnya. Dari sini dapat kita lihat bahwa COVID-19 banyak menyisakan ruang persoalan tersendiri, Oleh karenanya bagaimana cara hukum bekerja di tengah carut marut situasi ini penting untuk didiskusikan.

.....Corona Virus Disease-19 (COVID-19) began to spread to various parts of the world since December 2019 which is known to have been first discovered in Wuhan, China. Certainly this has brought great disaster to 216 countries in the world, because no country is immune to this virus and the epidemic has spread to various continents and attacked many aspects of the world community. This worrying condition demands that the state play a stronger role by providing better service protection. Besides that, conditions like this raise big questions about how countries in the world overcome this. In the midst of the COVID-19 Pandemic, many scientists are racing to quickly find an effective vaccine against this virus. An example of one that has worked is the invention of ModernaTX, Inc., which is a biopharmaceutical company that focuses on research, development, manufacture and commercialization of vaccines, and this company is based in Cambridge, Massachusetts, United States of America. Seeing the COVID-19 pandemic which is getting more and more attention, especially in developing countries, many countries are urging for a temporary waiver of patent regulations (patent waivers) COVID-19 vaccine in this time of crisis. For example, India and South Africa submitted proposals Waiver Patent to the WTO, the reason is none other

than so that vaccines can be reached by all groups and it is hoped that they can deal with the COVID-19 pandemic. Certainly this creates a polemic between developed and developing countries where there are two different interests, one country protects its investors and the other country protects its people. From this we can see that COVID-19 has left a lot of space for its own problems. Therefore, it is important to discuss how the law works in the midst of this chaotic situation.