

LAPORAN THESIS
PERLINDUNGAN HUKUM TERHADAP TENAGA
KESEHATAN DAN MEDIS PELAKSANA VAKSINASI
DALAM PEMBERIAN VAKSINASI COVID-19 (STUDI DI
PUSKESMAS GODONG I KABUPATEN GROBOGAN)



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NIM 20.C2.0031

PROGRAM STUDI MAGISTER ILMU HUKUM
FAKULTAS HUKUM DAN KOMUNIKASI
UNIVERSITAS KATOLIK SOEGIJAPRANATA
SEMARANG

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Diajukan dalam Rangka Memenuhi

Salah Satu Syarat Memperoleh

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ABSTRAK

Penelitian hukum ini bertujuan untuk mengetahui pengaturan pemberian vaksinasi Covid-19, pertanggungjawaban hukum jika muncul efek samping yang tidak terduga pasca vaksinasi Covid-19 dan implementasi perlindungan hukum bagi Tenaga Kesehatan dan Medis Pelaksana Vaksinasi di Puskesmas Godong I, Kabupaten Grobogan.

Selama pelaksanaan vaksinasi atau pemberian vaksinasi Covid-19 segala hal bisa terjadi pada sasaran vaksinasi. Kejadian yang tidak diinginkan dalam melakukan tindakan vaksinasi bisa terjadi atau Kejadian Ikutan Pasca Imunisasi (KIPI) dan tindakan lain yang dianggap kesalahan, vaksinator sebagai pelaksana vaksinasi rentan menerima komplain dan tuntutan hukum dari masyarakat.

Metode penelitian yang digunakan adalah metode kualitatif dengan pendekatan yuridis sosiologis. Penelitian ini menggunakan data primer dan data sekunder. Teknik pengumpulan data dilakukan dengan wawancara dan studi pustaka.

Berdasarkan hasil penelitian: penyelenggaraan pelayanan vaksinasi telah sesuai dengan Standar Prosedur Operasional (SPO), Tim vaksinator ditetapkan dengan surat keputusan kepala Puskesmas. Pertanggungjawaban hukum vaksinator diselesaikan berdasarkan kasusnya, dimana jika pelaksana vaksinasi melanggar ranah etika, maka diselesaikan secara internal dan jika menyebabkan kerugian, dapat dipertanggungjawabkan melalui jalur hukum. Namun sepanjang pelayanan vaksinasi telah dilakukan sesuai SPO, maka vaksinator tidak dapat dituntut secara hukum. Vaksinator yang menghadapi tuntutan hukum, untuk Aparatur Sipil Negara (ASN) didampingi Lembaga Konsultasi dan Bantuan Hukum Korpri (LKBH KORPRI), tetapi jika Vaksinatornya Non ASN diberikan fasilitas konsultasi saja.

Saran yang diberikan adalah, dibuat SPO tentang penanganan sengketa vaksinator di Puskesmas, sehingga tata cara atau mekanisme penanganan dampak vaksin ada standar yang jelas. Pendampingan hukum untuk vaksinator yang menghadapi kasus hukum seharusnya diberikan kepada semua vaksinator tanpa melihat statusnya sebagai ASN atau Non ASN.

Kata kunci: Perlindungan Hukum, Pelaksana Vaksinasi Covid-19

ABSTRACT

This legal research aims to determine the regulation of the administration of Covid-19 vaccination, legal accountability in case of unexpected side effects after Covid-19 vaccination, and the implementation of legal protection for Health and Medical Personnel performing vaccination at the Godong I Community Health Center, Grobogan Regency.

During the implementation of vaccination or Covid-19 vaccination, various events can occur among the vaccine recipients. Undesirable events during vaccination can occur, known as Adverse Events Following Immunization, and other actions that are considered errors. Vaccinators, as those responsible for vaccination, are vulnerable to receiving complaints and legal claims from the public.

The research method used is a qualitative method with a socio-legal approach. This research utilizes both primary and secondary data. Data collection techniques include interviews and literature reviews.

Based on the research findings, the provision of vaccination services has complied with Standard Operating Procedures (SOP), and the vaccination team is appointed by the Head of the Community Health Center through an official decree. Legal accountability of vaccinators is resolved based on the specific case. If a vaccination practitioner violates ethical standards, it is resolved internally, and if it results in harm, it can be legally accountable. However, as long as vaccination services are conducted in accordance with SOP, vaccinators cannot be legally prosecuted. Vaccinators facing legal claims, who are Civil Servants (ASN), are assisted by the Consultation and Legal Aid Institution of the Civil Servants Corps (LKBH KORPRI), while non-ASN vaccinators are provided with consultation facilities only.

The recommendations provided are, A Standard Operating Procedure (SOP) was created for the resolution of disputes related to vaccination in Primary Health Centers (Puskesmas), therefore, clear guidelines or mechanisms for handling the vaccine-related issues are available. Legal assistance for vaccinators facing legal cases should be provided to all vaccinators, regardless of their status as ASN or non-ASN.

Keywords: Legal Protection, Covid-19 vaccination Implementers