

Protection of Muslim Consumers In Covid-19 Vaccination

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ABSTRACT

In Indonesia, the Covid-19 pandemic has caused a large number of deaths, and the number of Covid-19 patients continues to rise dramatically. In accordance with the Health Quarantine Act, it is the responsibility of the state to offer protection during public health emergencies so as to prevent the spread of health risks. According to the Consumer Protection Act, one of the state's responsibilities is to provide Covid-19 vaccines to the community, which is referred to as consumers (end users). Similarly, consumers have the right to acquire information about the Covid-19 vaccination prior to its usage, including information about the vaccine's halal status. As the Halal Product Guarantee Law mandates halal information for all items circulating on Indonesian territory, halal information is mandatory. This study seeks to examine the legislation of Muslim consumer protection in order to acquire halal information regarding Covid-19 immunization. In accordance with its aims and in order to get these answers, this article uses the juridico-normative technique to investigate the depth of the concepts behind the rules governing Muslim consumer protection in Covid-19 immunization, utilizing secondary data sources and a statute approach. This report states that the government has not mandated halal information for Covid-19 immunizations administered to Muslim customers. Finally, this article advises harmonizing Covid-19 vaccination policies in order to increase the control of misleading information in the administration of Covid-19 immunizations to Muslim consumers.

Keywords: Protection, Muslim Consumers, Covid-19 Vaccination

A. INTRODUCTION

Throughout 2020-2022, the Covid-19 pandemic in Indonesia resulted in 6,458,101 positive cases, 6,282,951 recoveries, and 158,327 deaths. (Covid data, 2022) This evidence is sufficient to establish a public health emergency, as the spread of Covid-19 is extremely rapid, even when compared to the spread of other diseases throughout history. (Stratton, 2020). So that the government prepares a significant number of Covid-19 health care facilities, not just government-owned facilities, but also public and even privately-owned facilities, to become Covid-19 health service facilities. (Yodi Mahendradhata, 2021) The state's role, both as an executor and a regulator, is important to preventing government failure due to the Covid-19 pandemic. (2019's Gostin)

The duty of the state in providing health emergency services is to protect the community (protection theory). According to Hari Chand, "the purpose of government is to defend the person." As long as it keeps this promise, the government cannot be stripped of its authority.

However, if it breaks this promise, its laws become invalid, and the government can be overthrown." (Chand, Hari, 1994) Beginning with a protection theory in which the public must be safeguarded by the state, health services evolved into a rights theory in which citizens have the right to get health services. According to Wu Chongqi, "without the health law, the legal branch of the health law will be incomplete if the right to health and life is the objective." (Wu Chongqi, 2012) The two theoretical considerations can explain and even justify governmental involvement in response to Covid-19-related public health emergencies.

As part of a public health emergency service, Covid-19 immunization is injected into the population in order to boost immunity and prevent the spread of Covid-19. (Xiucui Han, 2021) In order to achieve this objective, the government imposes a variety of procedures and processes so that individuals can engage in the Covid-19 Vaccination Program. (Sarah Schaffer, 2020) So long as people are safeguarded, and their right to health is upheld, the nation will quickly recover from the Covid pandemic -19. customer) or end-user (Zoe Bradfield, 2021) John F. Kennedy disclosed the rights that must be safeguarded from consumers: (1) the right to safety (the right to safety); (2) the right to be informed; (3) the freedom to select; and (4) the right to be heard. (Vernon, 1992) According to the findings of a number of academics, the four consumer rights can be intricately intertwined and nearly impossible to distinguish from one another. Just as the right to information has a significant impact on consumers' right to vote on available products and services, consumers' knowledge of information about goods and services has a significant impact on their ability to choose goods and services according to their preferences. (Zulham, 2018). Among the product information that might affect consumer decisions for goods and services, halal information is particularly influential because it is highly dependent on the consumer's religion and beliefs. (M. Asrorun, 2021)

Similarly, halal information on the Covid-19 Vaccine will affect the voting rights and preferences of consumers to select which Covid-19 Vaccine product will be administered to their body, if halal products are offered among the variants of the Covid-19 Vaccine. (MUI Fatwa, 2021) As disclosure of information is governed by Indonesian rules, so is halal information, which is governed by the principle of mandatory halal information (Faridah, 2019), with no exception for Covid-19 vaccination products. During the Covid-19 pandemic and in public health situations, if a halal Covid-19 vaccination is unavailable, it is permitted to use a non-halal Covid-19 vaccine (Abdul Haq, 2005). However, the government must still report the halal status of the Covid vaccine. -19 of each.

This study assumes that the government has not released halal information in the execution of Covid-19 vaccination for Muslim customers, as evidenced by a number of rules

made in relation to Covid-19 pandemic health services. Even though the harmonization of the construction of legal principles contained in the Health Quarantine Law (UUKK), the Consumer Protection Law (UUPK), and the Halal Product Guarantee Act (UUJPH) requires the government to provide Muslim consumers with halal information regarding Covid-19 vaccination. Consequently, the purpose of this essay is to address the formulation of the research question: How can Muslim customers obtain halal information in the Covid-19 Vaccination? To concentrate on addressing the problem statement, three research questions were posed: (1) What is a health emergency during the Covid-19 pandemic? (2) How is halal information regulated in the Covid-19 Vaccination? (3) How could Muslim consumer protection in the Covid-19 vaccination be formulated?

B. RESEARCH METHODS

Using the juridical-normative method (Mukti Fajar, 2010) and the statute approach, this study analyzes the principles behind the legal norms contained in the legislation based on the desired outcomes. (Johnny Ibrahim, 2007). Consequently, this article examines the concepts outlined in the Muslim consumer protection rules, the regulation of halal information, and the public health crisis caused by the Covivirus-19 pandemic. All of the provisions in the legislation are formulated to protect Muslim consumers seeking halal information about the Covid-19 vaccine.

In accordance with the employed methodology, this paper's data sources exclusively include secondary data in the form of primary legal resources, secondary legal materials, and tertiary legal materials. To investigate the factors and principles of Muslim consumer protection in order to acquire halal information for the Covid-19 Vaccination, the gathered secondary data were examined and studied in depth. In order to fulfill the goal of this work, the cited data are investigated qualitatively, critically, and argumentatively and presented using descriptive-analytic methodologies.

C. RESULT AND DISCUSS

Public health emergencies are defined by the World Health Organization (WHO) as the "occurrence or imminent threat of an illness or health condition caused by epidemic or pandemic disease, bioterrorism, or (a) novel and highly fatal infectious agent or biological toxin, that poses a substantial risk of a significant number of human fatalities or incidents or permanent or long-term disability." (1922, World Health Organization) Law Number 6 of 2018 concerning Health Quarantine (UUKK) defines: "Public Health Emergency is an exceptional public health event characterized by the spread of infectious diseases and/or events caused by nuclear radiation, biological pollution, chemical contamination, bioterrorism, and food that pose a health hazard and have the potential to spread across regions or countries." (Act No. 6 of 2018)

China is the birthplace of the Coronavirus Disease 2019 (Covid-19), which continues to spread across countries and continents. Covid-19 is referred to as a pandemic due of its ability to spread and kill more rapidly than other infections. This is evidenced by the following statement: Clearly, Covid-19 is a disease of international concern. According to some estimations, it has a larger reproductive number than SARS, and it has reportedly infected or killed more people than SARS. (Hope, 2020). Covid-19 is a disease that constitutes a public health emergency, as recognized by the President of the Republic of Indonesia after weighing the dangers and spread of this highly lethal virus.

In accordance with the protection philosophy as outlined in the Constitution of 1945, the government mandates the Covid-19 Vaccination in order to prevent the spread of Covid-19 and enhance public immunity to its hazards. The following remark illustrates the significance of Covid-19 immunization for societal defense. Covid-19 immunization has drastically altered the pandemic's trajectory, saving tens of millions of lives worldwide. However, insufficient availability of vaccines in low-income nations has restricted the benefit in these settings, highlighting the need for global vaccine equality and coverage. (2022, Watson) Vaccines are defined as biological products containing antigens in the form of dead or living microorganisms that are attenuated, still intact, or parts thereof, or in the form of toxin microorganisms that have been processed into toxoids or recombinant proteins, which, when administered to a person, induce active specific immunity against certain diseases.

Naturally, the Covid-19 vaccination can be viewed from the standpoint of ensuring halal products and consumer protection if viewed strictly as a product. As stipulated by UUJPH, commodities and/or services pertaining to food, beverages, pharmaceuticals, cosmetics, chemical products, biological products, and genetically engineered items, as well as things that

are used, employed, or exploited by the community, are exempt from this provision. Consumers are defined by the UUPK as anyone who uses commodities and/or services provided in the community for the benefit of themselves, their families, other people, or other living beings, but not for their own advantage. traded. The Covid-19 vaccination must be subject to information regulation, as outlined in the UUPK and UUJPH, according to the formulation of the rule.

Based on the sorts and characteristics of huge and credentialed products (Zulham, 2018), it is crucial that the Covid-19 vaccination reveal information regulation and halal information. However, after discussing the use of a statutory approach to: (1) Decree of the Minister of Health of the Republic of Indonesia Number HK.01.07/Menkes/6424/2021 regarding Technical Guidelines for Vaccination Implementation in the Context of Combating the Covid-19 Pandemic on September 21, 2021; and (2) Circular Letter of the Directorate General of Disease Prevention and Control Number HK.02.02/II/252/2022 regarding Covid-19 Vaccination Continued Dose (

Ogus noted that the argument for product information regulation is based on information deficiencies, externalities/external benefits, non-economic arguments, and explanations of private interests. As O'Rourke also explained, labeling (product labeling) is a crucial communication tool for consumers to understand the differences in product composition. Product labeling, which is also product information, functions philosophically as product identification, consumer information, and product marketing. (1900, Raymond O'Rourke) In turn, information regulation seeks to generate symmetric information (Giesela Rühl, 2011) and prohibit misleading information so that customers have the freedom to choose the desired goods/services according to their preferences. (Nicole, 2009) The author is of the opinion that halal information is the most crucial aspect of information regulation due to the influence halal information has on consumer choices for goods and services (consumer interests). (Aurora, 2011)

This viewpoint is supported by Indonesia's regulation of halal information in Law No. 33 of 2014 pertaining to Halal-Guaranteed Products. This is demonstrated by the simultaneous creation of Article 4 and Article 26 of the UUJPH, which is mentioned because the two articles must be viewed as a whole body of interrelated and interdependent ideas. Nonetheless, if you read the two essays separately, you'll notice that they include distinct principles.

Article 4 of the UUJPH stipulates that all imported, distributed, and exchanged goods on the territory of Indonesia must be halal-certified. This rule adheres completely to the notion of mandatory halal certification (Zulham, 2018), meaning that all products in circulation must

be certified halal, whereas haram products are prohibited from being sold. However, the rules of Article 26 of the UUJPH stipulate that items derived from illegal goods are ineligible for halal certification and that non-halal information must be included on the product. These provisions outline the disclosure of product information. (Easterbrook, 1991), If the two principles, namely mandatory halal certification and disclosure of information, are combined into a single unit, since the two principles are indeed governed by the same law, then the author believes that the information regulation contained in UUJPH is mandatory halal information. Consequently, as a product, the Covid-19 vaccination must also comply with the halal information requirements.

The government is obligated to provide halal information (mandatory halal information) to patients/consumers in Vaccines/Covid-19 Vaccinations, based on the principle of autonomy inherent in patients, as well as the right to be informed and the right to choose, which are universally attached to consumers. In order for the implementers and patients/consumers of the Covid-19 Vaccination to comply with all rules for administering the vaccination and to understand their position in a health emergency, the halal information on the Covid-19 Vaccine and Vaccination must be regulated according to the hierarchy of laws and regulations.

The hierarchy of laws and regulations that can be used as a reference for regulating Covid-19 emergency conditions and specifically regulating Covid-19 vaccination is governed by: (1) Law Number 6 of 2018 pertaining to Health Quarantine; (2) Presidential Regulation Number 99 of 2020 pertaining to Vaccine Procurement and Vaccination Implementation in the Context of Combating the 2019 Corona Virus Disease Pandemic, as amended by Presidential Regulation Number 14 of 2021 pertaining to Vaccination Implementation in the Context of Combat

I was unable to locate a single clause that governs halal information in the application of the Covid-19 Vaccination, despite reading all of the relevant laws. A few of the above-mentioned regulations lack even the underlying concepts governing halal-information-related regulations. According to Article 13A, paragraphs (1) and (2) of the Presidential Regulation on Vaccines and Vaccination Covid-19: (1) The Ministry of Health shall gather data and define the target beneficiaries for the Covid-19 Vaccine.

(2) Everyone designated as a target receiver of the Covid-19 Vaccine based on the data collection described in paragraph (1) is required to receive the Covid-19 Vaccine.

This provision also demonstrates: The regulations for the implementation of the Covid-19 Vaccination have not regulated halal information to protect Muslim customers. Whereas

mandated halal information does not necessitate the quick availability of halal items, especially in the event of a health emergency.

Parallèlement à cette argumentation, the Indonesian Ulema Council (MUI), relying on the power conferred by Article 10 UUIPH, disclosed disclosure information regarding halal information on a number of Covid-19 vaccinations administered to targeted vaccination recipients. The justification for the revelation of halal information is to make life easier for Muslim consumers, who are the intended receivers of mandated Covid-19 immunizations. After analyzing many Covid-19 vaccination products, the MUI issued a fatwa with halal information.

MUI Fatwa No. 02 of 2021, dated January 11, 2021, indicates that the Covid-19 Vaccine Product from Sinovac Life Sciences Co. Ltd. China and PT. The MUI Fatwa Number 14 of 2021, published March 16, 2021, indicates that the Covid-19 vaccination for AstraZeneca goods is unlawful due to the usage of trypsin derived from pigs in its production process. Nonetheless, the MUI Fatwa Number 14 of 2021 states that the use of the Covid-19 Vaccine from AstraZeneca is currently permissible because: (1) there is an urgent need; (2) there is expert information about the dangers of not being vaccinated immediately; (3) the availability of the halal and holy Covid-19 Vaccine is insufficient; (4) there are security guarantees; and (5) the government does not have the authority to refuse.

Based on this rationale, as determined by MUI in the above-mentioned fatwa, the use of non-halal Covid-19 vaccinations in an emergency case is acceptable (permissible). However, this exigency does not excuse other requirements, including the revelation of mandatory halal information about the Covid-19 vaccine to the vaccine's intended receivers, namely end users and customers (end users). In the Supreme Court's legal assessment of Article 2 of Presidential Regulation Number 99 of 2020 Concerning Vaccine Acquisition and Vaccination Implementation in the Context of Combating the Covid-2019 Pandemic, this viewpoint was validated.

The Indonesian Muslim Consumer Foundation (YKMI) has filed a petition for judicial review against the President of the Republic of Indonesia, challenging the provisions for the procurement of the Covid-19 Vaccine as outlined in Article 2 of the Presidential Regulation on Vaccines and Vaccination for Covid-19 and Article 4 of the UUIPH. In his expert witness testimony, Zulham explained that the state guarantees religious freedom for its adherents to practice their respective worships, while consuming halal products is worship (ta'abbudi) for Muslim consumers, whereas the Covid-19 vaccine is a product given to the intended recipient. This position defends the state's responsibility in safeguarding Muslim customers against

Covid-19 immunization. In addition, the Supreme Court ruled in Decision No. 31 P/HUM/2022:

1. Granted the petition for objection to the judicial review of the Petitioners, the Indonesian Muslim Consumer Foundation;
2. Declared that Article 2 of Presidential Regulation No. 99 of 2020 is in violation of Article 4 of the UUJPH, so long as it does not state: "The government (Minister of Health, Committee for the Handling of Covid-19, and the National Economic Recovery, and Head of the National Economic Recovery Agency
3. Declare that Article 2 of Presidential Regulation Number 99 of 2020 has no binding legal force, so long as it does not mean: "The government (Minister of Health, Committee for the Handling of Covid-19 and the National Economic Recovery, and Head of the Food and Drug Supervisory Agency) must provide protection and guarantees regarding the halalness of the type of Covid-19 Vaccine that is required for the implementation of Covid-19 Vaccination in the territory."

On the basis of the Supreme Court's ruling, it is possible to explain that the Supreme Court's logic and legal construction employ the principle of mandatory publication of information on halal vaccines. It is abundantly clear that construction: so long as it is not interpreted, the Government is obligated to provide protection and guarantees regarding the halalness of the type of Covid-19 Vaccine that is required for the implementation of Covid-19 Vaccination in the territory of Indonesia, proving the obligation of halal information on both halal and non-halal Covid-19 vaccines simultaneously. The ruling also demonstrates the protection of Muslim consumers from Covid-19 vaccination, as evidenced by the obligation to give halal information to Muslim consumers, who have the right to be aware of Covid-19 vaccination. In turn, as the person in charge of health emergencies caused by the Covid-19 pandemic, the government is required to convey information on the halal status of the Covid-19 vaccine to the intended beneficiaries of the immunization (final consumers).

In light of the Supreme Court's ruling, the regulation and execution of the Covid-19 Vaccination from the perspective of protecting Muslim consumers should be formulated by harmonizing relevant laws and regulations so as not to violate the community's constitutional rights. As planned, the harmonization formulation must consider the following factors: Health Emergency, Consumer Protection, Halal Product Guarantee, and Covid-19 Vaccination.

D. CONCLUSION

On the basis of the talks and deliberations that have taken place using the normative juridical technique and the statute approach, it is possible to infer that the government has not adopted mandatory halal information while organizing Covid-19 immunizations for Muslim consumers. Numerous regulations governing the implementation of the Covid-19 Vaccination are evidence of this, and the Supreme Court allowed the petition for objection to the petitioner's UJPH-based judicial review of the requirements governing the Covid-19 Vaccination.

Finally, this article advises increasing the control of misleading information in the administration of Covid-19 vaccines to Muslim consumers by harmonizing vaccination-related legislation. In an effort to protect Muslim consumers, the government must continue to require the revelation of halal information in all public vaccination actions, regardless of whether or not an emergency exists.

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