

The Fake Vaccine and in Terms of Civil Law Theory (Commercial Law) That Related to Consumer Protection and Organized Crime

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ABSTRACT

The International Police Organization (Interpol) responds to a criminal network producing the fake Vaccine Covid-19. Interpol is an intergovernmental organization of 194 member states. On December 2nd, 2020, Interpol has issued an orange notice, to be aware of criminal acts related to the Covid-19 vaccine. In this research, the author will elaborate some points related to the research of Fake vaccines that occurred in some countries in terms of Civil Law Theory (Commercial Law) that related to Consumer protection, Organized Crime. Commonly, like what Author found from some literatures, the international organized crimes do these action to get more profit or money. Author thought that this action was neatly tied and well organized by many suspect behind of fake vaccine. Law enforcement should enforce the law smarter, faster, and smoother move than the organized crime because the crime usually moves faster than the law and order itself. For the force majeure condition like pandemic covid that spreads all over the world, it is better to create the specific groups or communities to handle the specific crimes related to fake vaccine or technologies to support to the fake vaccine distribution and many other kind of crimes that related to it. This is a big job for police officer or law enforcement to investigate, identify, and detect every single move from many nations. It is not easy to do it but I believe if we have a sincere heart to solve these problems, the crimes can be detected and solved together.

Keywords: Fake vaccine, Consumer protection, and Organized crime.

1. INTRODUCTION

Pandemic Covid-19 gives bad impact to communities in various sectors such as health, economy, law, and others. In this case the author will analyze from legal issues that occur such as indications of fake vaccines circulating in several countries and it is certainly detrimental to many consumers (citizen).

Just like happened in India, a nurse was accused of injecting air from an empty injection into a man at a vaccine center in Saran, Bihar, India. The incident was captured on camera and went viral in the "Land of the Subcontinent". The incident comes after 2,500 people were victims of a fake vaccine in Mumbai, India. In the video, a nurse was seen injecting a syringe containing nothing to a man named Azahar at a vaccination center on June 21st, 2021. The incident came to the attention of many people on Thursday June 24th, 2021 after Azahar realized that he was not actually given the coronavirus vaccine.

As soon as the video went viral, the local government requested information and would take action against Kumari. District Immunization Officer (DIO) Saran Ajay Kumar said the nurse had been sent a notice and asked to provide an explanation within 48 hours. In addition, the authorities added that Kumari had also been dismissed from his duties.

The International Police Organization (Interpol) responds to a criminal network producing the fake Vaccine Covid-19. Interpol is an intergovernmental organization of 194 member states. On December 2nd, 2020, Interpol has issued an orange notice, to be aware of criminal acts related to the Covid-19 vaccine. Interpol Secretary-General Jürgen Stock said criminals would target vaccines.

Fake vaccines in South Africa South African authorities have confiscated hundreds of fake Covid-19 vaccines. About 400 ampoules, equivalent to about 2,400 doses containing the fake vaccine, were found in a warehouse in Germiston, Gauteng, South Africa. In the same place, earlier officers also found a large number of fake 3M masks. South African authorities have also arrested three Chinese nationals and a Zambian national.

Cases of fake vasin in China Fake vaccine Covid-19 is also found in China. Police managed to identify the network that sold the fake vaccine and raided the manufacturing site. Police arrested about 80 suspects and seized more than 3,000 counterfeit vaccines at the scene. Now, The Chinese Police are conducting a campaign to prevent and crack down on vaccine-related crimes. They are also proactively investigating and combating the evils of counterfeit vaccines with legal action. The findings of fake vaccines in these two countries are investigations supported and facilitated by

Interpol's Global Illicit Goods and Health Program (IGGH).

In tracking such criminal networks, one of the most obvious patterns stock has noticed over the past year is how quickly they learn from each other. "What today appears in one part of the world tomorrow will happen in the other part of the world," he told Time on Friday. He suggested that the best way to fight the network would be through greater coordination among national police agencies.

2. RESULTS AND DISCUSSION

2.1. Fake Vaccine in terms of Civil Law Theory (Commercial Law) that related to Consumer protection

As we know together that Consumer has rights that must be protected from legal perspectives. Act Number 8 of 1999 concerning Consumer Protection Article 1 point (2) states that consumers are every user of goods and or services available in society, whether for the benefit of themselves, family, others, or other living beings and not for trading.

In this case acting as a consumer is the Recipient of a fake Vaccine in Mumbai, India because as many as 2,500 people have been victims. A nurse was accused of injecting air from an empty injection into a man at a vaccine center in Saran, Bihar, India. The incident was captured on camera and went viral in the "Land of the Subcontinent". In the video, a nurse was seen injecting a syringe containing nothing to a man named Azahar at a vaccination center on June 21. The incident came to the attention of many people on Thursday (June 24, 2021) after Azahar realized that he was not actually given the coronavirus vaccine.

In addition to India, fake vaccines are also occurring in South Africa, South African authorities have confiscated hundreds of fake Covid-19 vaccines. About 400 ampoules, equivalent to about 2,400 doses containing the fake vaccine, were found in a warehouse in Germiston, Gauteng, South Africa. Plus fake vaccines are happening in China. Police managed to identify the network that sold the fake vaccine and raided the manufacturing site. Police arrested about 80 suspects and seized more than 3,000 counterfeit vaccines at the scene.

In this case 2,500 victims of counterfeit vaccine recipients in India, about 400 ampoules or equivalent to about 2,400 doses containing fake vaccines in South Africa, and 3,000 fake vaccines in China that must be protected because it is very clearly stated in the legislation that the people who will receive the vaccine are Consumers.

In Act Number 8 of 1999 concerning Consumer Protection Article 1 point (1) states that consumer

protection is all efforts that guarantee legal certainty to provide protection to consumers.

Then as stated in Government Regulation Number 57 of 2001 concerning the National Consumer Protection Agency Article 1 point (1) states that consumer protection is all efforts that ensure the existence of legal certainty to provide protection to consumers.

In addition, Government Regulation No. 58 of 2001 concerning the Development and Supervision of Consumer Protection Implementation Article 1 point (1) states that consumer protection is all efforts that ensure the existence of legal certainty to provide protection to consumers. Government Regulation Number 59 of 2001 concerning Non-Governmental Consumer Protection Institutions Article 1 point (1) states that consumer protection is all efforts that ensure legal certainty to provide protection to consumers.

It is crystal clear, according to the legislation, Consumer Protection must have a guarantee of legal certainty given to consumers in this case is the public who will receive the Covid-19 vaccine. Just imagine if the vaccine he received was a fake vaccine and even harmed his health. In the other hand, people already expect a lot of immunity will increase if the Covid-19 vaccine has been injected, but it turns out that the vaccine does not work as expected because the injected is a fake vaccine and of course the party that distributes or trades the fake vaccine is illegal (unlawful or not justified according to the law).

In this case the public as a prospective recipient of a fake vaccine as a Consumer cannot protect himself because they are still uncertain goods, are the covid-19 vaccine presented to the community genuine? Consumers should not have to worry about the vaccine they will receive and already convinced that the vaccine is genuine and in a safe condition to be injected because consumers have the right to increase awareness, ability and independence of consumers to protect themselves against the goods consumed as stated in Article 3 letter (a) of Act Number 8 of 1999 on Consumer Protection.

In addition, consumers should get their right to open information toward goods or services that will be consumed. In this case, of course, the people who receive the covid-19 vaccine in India, South Africa, or China do not receive open information on covid-19 because it should be certain that medical personnel and authorities check it first and will inform the actual condition of the covid-19 vaccine because if it is notified in the fake vaccine, then it is certain that the public will not want to receive the vaccine. It is feared that even the fake covid-19 vaccine is endangering him. This is certainly contrary to Article 3 letter (c) of Act Number 8 of 1999 concerning Consumer Protection.

Related in this case, means the party in charge of injecting covid-19 in 3 (three) countries has been dishonest and does not want to be responsible in its distribution. As the author has said before, it is certain that if the community says the real condition is a fake covid-19 vaccine, then no community will be willing to accept injection of the fake vaccine.

Principles regarding the position of consumers in relationships with businesses based on doctrines or theories known in the development of consumer protection law history, among others:

a. Let the buyer beware (caveat emptor)

According to the author's analysis, in the case of indications of the provision of fake covid-19 vaccines in India, South Africa, and China, of course this principle has not been appropriately applied because the position of Businesses (distributors of the Covid-19 vaccine) and Consumers in this case is not balanced. As a Consumer, it should be protected by the rights, especially in terms of safety and health by businesses (distributors of the Covid-19 vaccine).

b. The due care theory

If it is analyzed using this principle, then the Authorities can conduct an investigation and evidentiary process on the case of distribution of covid-19 vaccines that are indicated false in India, South Africa, and China by collecting various evidence of the fake vaccine and requesting information from businesses (distributors of the covid-19 vaccine) and consumers who have been or will use it. If all evidence has been collected then, the legal process can run as it should and has been in accordance with the Civil Code Article 1865.

c. The privity of contract

d. This doctrine states that businesses have a duty to protect consumers, but that can only be done if between them have established a contractual relationship.

In this case the practice of indications of the distribution of fake covid-19 vaccines in 3 (three) countries that occur in India, South Africa, and China, there is certainly no written agreement between businesses and consumers (people) beforehand because consumers who need vaccine injection services and thrust themselves to be examined as a community recipient of vaccines. So the agreement occurs when the Consumer registers himself to be vaccinated and the BusinessMan (Medical Officer and Distributor) distributes and injects the fake covid-19 vaccine. So various parties must obey to the rule of Act Number 8 of 1999 on Consumer Protection.

Related to this, the Government should interrogate the production and distribution process of covid-19 vaccine in 3 countries in order to ensure the quality of its products so as not to be misused by law-abiding parties. Moreover, this product is distributed in large quantities and in the pandemic period also so that it must be extra supervision so as not to be misused by irresponsible parties so that points can be met properly.

2.2. The relationship between fake vaccine and Organized Crime

Based on the news above, South African authorities have also arrested three Chinese nationals and a Zambian national. "Since Covid-19 reached the coast of South Africa, the government has adopted an integrated multi-disciplinary law enforcement approach," and other news told us about "Vaccines on the black market The arrest came just weeks after Interpol issued an Orange alert. The warning also included details and images of the original vaccine and official delivery methods provided by pharmaceutical companies to help identify counterfeit bottles. Later, Interpol also received additional reports about the distribution of counterfeit vaccines and fraudulent attempts targeting health agencies, such as nursing homes. Interpol warned the public that no vaccines were sold online. Any vaccine advertised on a website or the dark web, is illegal or invalid, untested, and possibly dangerous.

Author guesses that fake vaccine indicated to organized crime because the similar occasions happened toward 3 (three) countries. Just think about it first. How could it happen again and again in the different countries. The pattern of these occasions were almost same also (distribution of fake vaccine across nations). As we know that, organized crime is a category of transnational, national, or local groupings of highly centralized enterprises run by criminals to engage in illegal activity, most commonly for profit. Some criminal organizations, such as terrorist groups, are politically motivated. Sometimes criminal organizations force people to do business with them, such as when a gang extorts money from shopkeepers for "protection". [1] A criminal organization can also be referred to as a gang, mafia, mob, ring, or syndicate; the network, subculture, and community of criminals may be referred to as the underworld. Sociologists sometimes define a "mafia" as a type of organized crime group that specializes in the supply of extra-legal protection and quasi-law enforcement. Academic studies of the original "Mafia", the Sicilian Mafia, [2] which predates the other groups, generated an economic study of organized crime groups and exerted great influence on studies of the Russian Mafia,[3] the Chinese Triads[4], the Hong Kong mafia[5], and the Japanese Yakuza. [6]

Commonly, like what Author found from the literature above, the international organized crimes do these action to get more profit or money. And it has same pattern from this case. Can you imagine how much money that can earn from distributing about 400 ampoules, equivalent to about 2,400 doses containing the fake vaccine like happend in South Africa and 2,500 people were victims of a fake vaccine in Mumbai, India, and seized more than 3,000 counterfeit vaccines in China? Author thought that this action was neatly tied and well organized by many suspect behind of fake vaccine. Because it can not be happened by small gropus and as the fact Police arrested about 80 suspects in China. And our police officer and law enforcement should enforce the law smarter, faster, and smoother move than the organized crime because the crime usually moves faster than the law and order itself.

Cybercrime is a crime that involves a computer and a network.[9] The computer may have been used in the commission of a crime, or it may be the target.[10] Cybercrime may harm someone's security and financial health. Cybercrimes crossing international borders and involving the actions of at least one nation-state are sometimes referred to as cyberwarfare. Warren Buffet describes Cybercrime as the "number one problem with mankind" and "poses real risks to humanity."

A report (sponsored by McAfee) published in 2014 estimated that the annual damage to the global economy was \$445 billion. A 2016 report by Cybersecurity ventures predicted that global damages incurred as a result of cybercrime would cost up to \$6 trillion annually by 2021 and \$10.5 trillion annually by 2025.

For the force majeure condition like pandemic covid that spreads all over the world, it is better to create the specific groups or communities to handle the specific crimes related to fake vaccine or technologies to support to the fake vaccine distribution and many other kind of crimes that related to it. Because this is a big job for police officer or law enforcement to investigate, identify, and detect every single move from many nations. It is not easy to do it but I believe if we have a sincere heart to solve these problems, the crimes can be detected and solved together.

3. CONCLUSION

Consumer Protection must have a guarantee of legal certainty given to consumers in this case is the public who will receive the Covid-19 vaccine because the people already expect a lot of immunity will increase if the Covid-19 vaccine has been injected. Commonly, like what Author found from some literatures, the international organized crimes do these action to get more profit or money. Author thought that this action was neatly tied and well organized by many suspect behind of fake vaccine.

4. SUGGESTION

For the force majeure condition like pandemic covid that spreads all over the world, it is better to create the specific groups or communities to handle the specific crimes related to fake vaccine or technologies to support to the fake vaccine distribution and many other kind of crimes that related to it. This is a big job for police officer or law enforcement to investigate, identify, and detect every single move from many nations. It is not easy to do it but I believe if we have a sincere heart to solve these problems, the crimes can be detected and solved together. Law enforcement should enforce the law smarter, faster, and smoother move than the organized crime because the crime usually moves faster than the law and order itself.

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