

CONSTRUCTION OF COVID-19 PANDEMIC MANAGEMENT POLICY BASED ON THE WELFARE OF WOMEN AND CHILDREN

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Abstract

The purpose of this study is to find out and analyze the construction of policies for handling the Covid-19 pandemic based on women and children's welfare and analyze the Government's role in realizing the policy for handling the Covid-19 pandemic. In order to realize the welfare of women and children. This study uses a qualitative method with a normative juridical approach. The results showed that the construction of welfare-based Covid-19 handling policies for women and children must be socialized to women and children. The socialization process to women and children is carried out in a way; love, appreciation, and love between family members. Socializing women and children in making a policy must encourage and enable women and children to collaborate as equal stakeholders in policies to handle Covid-19 during the pandemic. This policy has certain limitations, such as Human Rights, Good Governance, and Morality. Policies with these limitations will produce policies that guarantee freedom for women and children, protection for women and children, welfare for women and children, child development, all of which must be considered in the policy for handling Covid 19.

Keywords: Policy; Welfare; Covid-19 Pandemic.

A. INTRODUCTION

The birth of the concept of a modern state as a mission to realize people's welfare and happiness is marked by the development of a concept of a "rule of law", namely the concept of a welfare state law (*social service state; welfare state*) so that efforts to realize prosperity cannot be separated from the role of the Government in a country¹. The 4th paragraph of the 1945 Constitution of the Republic of Indonesia formulates the Indonesian state's objectives to create public welfare. This affirmation shows a form of state commitment that must pay attention to welfare in the management state. The welfare in question must reduce social inequality and promote social equality for the entire community².

At the beginning of 2020, the world was shocked by *Coronavirus Disease 2019* (Covid-19), which originated in Wuhan, China, discovered in December 2019³. As of January 30, 2021, the Republic of Indonesia's Government reported an increase of positive cases of Covid-19. 14,518 cases, with the total number of positive cases of Covid-19 to 1,066 cases. The number of death cases due to Covid-19 is 174,083, while 74,985 have status as the suspected corona. All cases are spread across 34 Provinces in Indonesia⁴.

The Covid-19 pandemic has never been separated from the impact it has caused, one of the impacts that need to be realized that the vulnerability of women and children is a genuine reality. Women and children are vulnerable to being affected by Covid-19 in all aspects such as health, social, and economic aspects⁵. The Government took several steps and policies to break the chain of the spread of Covid-19, such as imposing Large-Scale Social Restrictions, *Physical*

¹ Aga Natalis and Budi Ispriyarso, "Politik Hukum Perlindungan Pekerja Migran Perempuan di Indonesia," *Pandecta Research Law Journal* 13, no. 2 (2018): 108–23.

² Leli Tibaka and Rosdian Rosdian, "The Protection of Human Rights in Indonesian Constitutional Law after the Amendment of the 1945 Constitution of the Republic of Indonesia," *FIAT JUSTISIA: Jurnal Ilmu Hukum* 11, no. 3 (February 28, 2018): 266–88, <https://doi.org/10.25041/fiatjustisia.v11no3.1141>.

³ Ye Yi et al., "COVID-19: What Has Been Learned and to Be Learned about the Novel Coronavirus Disease," *International Journal of Biological Sciences* 16, no. 10 (2020): 1753–66, <https://doi.org/10.7150/ijbs.45134>.

⁴ Haryanti Puspa Sari, "UPDATE: Bertambah 13.695, Kasus Covid-19 Indonesia Capai 1.037.993," *Kompas.com*, 2021, <https://nasional.kompas.com/read/2021/01/28/16063671/update-bertambah-13695-kasus-covid-19-indonesia-capai-1037993?page=all>.

⁵ Shweta Singh et al., "Impact of COVID-19 and Lockdown on Mental Health of Children and Adolescents : A Narrative Review with Recommendations," *Psychiatry Research* 293, no. 113429 (2020): 1–10.

Distancing, Social Distancing, and prohibiting people from going home. However, without realizing it, some things have escaped attention, namely regarding women and children's fundamental rights⁶. Crises always exacerbate gender inequality, where during this pandemic, women have to bear discrimination and heavy double burdens⁷, for example, difficulties in accessing services maternal health, accompanying children in online learning at home, taking care of the household, and the issue of Domestic Violence; this is due to the difficulty of reaching social services in protecting women and children⁸.

They see such conditions in the making policy. The Government needs to pay attention to the protection of vulnerable groups such as children and women. Indonesia already has several instruments legal related to the protection of children⁹ and women, namely Law Number 23 of 2004 concerning the Elimination of Domestic Violence in order to respond to the rampant phenomenon of domestic violence that occurs in society, that every citizen has the right to feel safe and free from all forms of violence. Besides, regulations that guarantee child protection in the form of violence and other forms, namely Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection.

Crises always exacerbate gender inequality and have a disproportionate impact¹⁰. Referring to the latest data for the period February 29 - June 10 2020, there are 787 cases of violence against women and 523 domestic violence cases¹¹.

⁶ Lanndon Ocampo and Kafferine Yamagishi, "Modeling the Lockdown Relaxation Protocols of the Philippine Government in Response to the COVID-19 Pandemic: An Intuitionistic Fuzzy DEMATEL Analysis," *Socio-Economic Planning Sciences* 72 (2020): 100911.

⁷ Kathryn Abrams, "Gender Discrimination and the Transformation of Workplace Norms," *Vanderbilt Law Review*, 1183-1248, 42, no. 4 (1989): 67.

⁸ Cailin S Stamarski, Leanne S Son Hing, and Tina C Elacqua, "Gender Inequalities in the Workplace : The Effects of Organizational Structures , Processes , Practices , and Decision Makers ' Sexism," *Frontiers in Psychology* 6, no. 1400 (2015): 1–20, <https://doi.org/10.3389/fpsyg.2015.01400>.

⁹ Bismo Jiwo Agung, "Protection of Children's Personal Data in the Digital World Based on National and International Legal Framework," *Lampung Journal of International Law* 1, no. 1 (August 11, 2020): 11–18, <https://doi.org/10.25041/lajil.v1i1.2020>.

¹⁰ Priyanshi Chauhan, "Gendering COVID - 19 : Impact of the Pandemic on Women ' s Burden of Unpaid Work in India," *Gender Issues*, 2020, 1–25, <https://doi.org/10.1007/s12147-020-09269-w>.

¹¹ Rizky Suryarandika, "Kementerian PPPA Waspadai KDRT Tersembunyi Di Masa Pandemi," *Republika*, 2020, <https://republika.co.id/berita/qbw1fn396/kementerian-pppa-waspadai-kdrt-tersembunyi-di-masa-pandemi>.

If we look at this data, for women and children who experience domestic violence, the house is not the right and safe place for them. Therefore the Government must strive to create a policy to handle the Covid-19 Pandemic to create welfare for women and children.

The policy for handling the Covid-19 Pandemic must be based on the concept of makers' *good governance*, that policy required to produce policies that lead to political philosophy goals, so that they can be ethically justified, for example, policies carried out without discrimination¹². Following the principles of *good governance*, policies can be formed based on the philosophy of feminism. The influence of feminism in the study of legal science is known as the *feminist legal theory*, which focuses on legal reasoning to reach an inevitable conclusion, feminists will consider things that are not universal, not general, but rather reflect women as a part that does have specific needs and uniqueness—the starting point of reasoning¹³. From the principles of *good governance* and *feminist legal theory*, policies for handling the Covid-19 Pandemic must be carried out to ensure children's welfare by public policymakers.

B. RESEARCH PROBLEMS

Based on the problems, this research focuses on how the construction of policies for handling the Covid-19 pandemic based on the welfare of women and children is? Moreover, what is the Government's role in realizing the policy for handling the Covid-19 pandemic to realize the welfare of women and children? Based on the formulation of these problems, the purpose of this study is to analyze the construction of policies for handling the Covid-19 pandemic based on women and children welfare; to analyze the role of the Government in realizing the policy for handling the pandemic Covid-19 to realize women and children welfare.

¹² Aga Natalis, "Urgensi Kebijakan Penyelenggaraan Anggaran Pendapatan Dan Belanja Daerah Dalam Mewujudkan Kesejahteraan Perempuan," *Pandecta* 15, no. 1 (2020): 64–73, <http://dx.doi.org/10.15294/pandecta.v15i1.23205>.

¹³ Aga Natalis, "Reformasi Hukum Dalam Rangka Mewujudkan Keadilan Bagi Perempuan: Telaah Feminist Jurisprudence," *Jurnal Crepido* 2, no. 1 (2020): 11–23.

C. METHOD

This research uses qualitative methods with a normative juridical approach. This research can be specified as descriptive-analytical. It describes or reveals the prevailing laws and regulations regarding the welfare of women and children during a pandemic, which will then be linked to the prevailing legal theories and practice of implementing positive law concerning the studied issues. The data used is secondary data collected through library research¹⁴. This method is used to discuss the topic of the problem so that it is more detailed and can account be scientifically for, in this case, the construction of policies for handling the Covid-19 pandemic based on the welfare of women and children.

D. RESULTS AND DISCUSSION

1. Construction of Covid-19 Pandemic Management Policy Based on the Welfare of Women and Children

Public policies issued by the Government related to handling Covid-19 are interesting and considered essential to pay attention to until now; the Government is still imposing *social distancing* measures to suppress the spread of Covid-19. In this effort, some things should not be missed, namely regarding women and children's existence. Women and children are seen as having to get serious attention from the Government because they are the most vulnerable groups affected by Covid-19, especially pregnant and breastfeeding women, women informal workers, and underage children. It should be noted that the policies that the Government has made have not fully paid attention to welfare in the gender dimension; this can be seen from the absence of policies to address gender gaps and vulnerabilities for women and vulnerable groups, as well as meeting the specific needs of women and vulnerable groups. If this gender dimension is not adopted in a policy, women's specific needs may not be

¹⁴ Theresia Anita Christiani, "Normative and Empirical Research Methods: Their Usefulness and Relevance in the Study of Law as an Object," in *3rd Global Confrence on Business and Social Science-2015*, vol. 219, 2016, 201–7, <https://doi.org/10.1016/j.sbspro.2016.05.006>.

considered¹⁵. In retrospect, it turns out that the loss of gender roles and dimensions in handling Covid-19 could potentially lead to neglect of risks to women during the Covid-19 pandemic. Not without reason, because it is women who are often attached to roles in the domestic sphere¹⁶.

Covid-19 has a particular impact on women's lives and health. The risk of women experiencing physical violence when the social isolation policy was implemented also made the position of women even more burdened so that the potential for violence would continue to increase because isolation during the pandemic only makes women more trapped together with the perpetrators of violence themselves. reach out to services and seek access to services from protection agencies.

To improve the position, role and quality of women and efforts to realize gender equality and justice in family, community, national and state life, it is necessary to carry out a gender mainstreaming strategy in the entire national development process. Gender mainstreaming is an inseparable part of all government agencies and institutions' main functional activities at the central and regional levels¹⁷; therefore, in handling the Covid-19 pandemic, women must have a considerable role and contribution especially taking part in policymaking¹⁸.

Women's dual role as workers and take care of the household has been troubled during the pandemic. Women must arrange strategies to guide children and do office work at home; this can mean that the position of women is significant for the child's survival, and encouragement from a husband or father in the family will increase the ethos of women's enthusiasm.

From the understanding of *feminist jurisprudence*, which emphasizes equality gender of policies issued by the government which are the same, both

¹⁵ Hilary Charlesworth, "Not Waving but Drowning: Gender Mainstreaming and Human Rights in the United Nations," *Harvard Human Rights Journal* 18 (2005): 1–18.

¹⁶ Joan B. Landes, "Women and the Public Sphere: A Modern," *Social Analysis: The International Journal of Social and Cultural Practice* 15 (1984): 20–31.

¹⁷ N Nurlaili et al., "Strategy for Strengthening Gender Mainstreaming (PUG) in the Marine and Fisheries Sector," *IOP Conference Series: Earth and Environmental Science* 674, no. 1 (February 1, 2021): 012090, <https://doi.org/10.1088/1755-1315/674/1/012090>.

¹⁸ Sylvia Walby, "Gender Mainstreaming : Productive Tensions in Theory and Practice," *Social Politics: International Studies in Gender, State & Society* 12, no. 3 (2005): 321–43, <https://doi.org/10.1093/sp/jxi018>.

men and women, this can be interpreted that women are not only supporters of a policy but as actors who can shape, influence, and implement a policy. Public, therefore, the existence of women plays an essential role in the survival of society, nation and state¹⁹.

There are several things that the state must do to realize women's welfare as part of the Covid-19 handling policy, namely:

1. Policies must be on the side of women because the facts the infield show that women who suffered during the Covid-19 Pandemic;
2. Policies must pay attention to the experiences of poverty of women and men, especially concerning epidemics of infectious diseases, so that the causes of poverty and their impacts can be identified;
3. The policy must prioritize programs that prioritize the welfare of women affected by the Covid-19 Pandemic; and
4. Analyzing existing policies and recommending gender analysis in policies made for women's welfare during the Covid-19 Pandemic.

Not only focusing on women, but the state also views children as the nation's next-generation who need protection, of course, by realizing welfare through the provision of guarantees for the fulfilment of children's rights. The guarantee for the implementation of child protection and welfare by the state can also be seen from the government's various policies. In a crisis, the most vulnerable youth suffer disproportionately²⁰.

Children who are vulnerable groups in a crisis must also be in the spotlight, for example, children who are victims of natural disasters who become refugees, children who are orphaned, children who are victims of exploitation, children who are victims of internal violence—household, children who are victims of sexual harassment. Based on data from the Task Force for the Acceleration of Covid-19 Handling, the percentage of children aged 0-5 years and 6-17 years who are affected is 2.3% and 5.6%, respectively, of all people who are indicated to be positive for Covid-19, this is enough to illustrate that children are also

¹⁹ Linda S Maule, "A Different Voice : The Feminine Jurisprudence of the Minnesota State Supreme Court," *Buffalo Women's Law Journal* 9 (2000): 295–315.

²⁰ Martha Craven Nussbaum, "Children's Rights and a Capabilities Approach: The Question of Special Priority," *Cornell Law Review* 97, no. 549 (2012): 549–94.

threatened in the Covid-19 pandemic situation²¹. Even the most common form of violence faced by children is violence that occurs at home. Therefore, the Government must be present in fighting exploitation, violence and mistreatment that can threaten children. Of course, by considering the aspects of fulfilment and protection of children's rights. Protection of children must be done whenever and wherever the children are.

Policies issued to improve the welfare of women and children must be improved during a pandemic, such as protecting women and children from Domestic Violence, fulfilling unfulfilled children's rights during the pandemic, eradicating oppression that occurs in women and children, and give appreciation to women that the role of dualism during the pandemic has had a positive effect on the child.

Parents' role in accompanying children's success while studying at home during a pandemic is very central. Parents who initially played a role in guiding basic attitudes and skills, such as religious education to obey the rules and good habituation, have expanded their role, namely as a companion to academic education.

Talking about parents' role, it cannot be separated from the family, that the family is seen from its function, namely having a duty and function of care, emotional and material support, and fulfilment of specific roles. The family has an essential role in caring for, educating, protecting and caring for children. Parental care for their children can affect the character building and behaviour of the child. Reflecting on this, policymakers must have a principle of sensitivity to organs that have been harmed in it.

2. The Role of the Government in Realizing the Covid-19 Pandemic Policy in Realizing the Welfare of Women and Children

The Government's role in making policies at every level from regional to central must include a gender perspective in it; this can be done to meet the specific needs of vulnerable groups and avoid the occurrence of gender injustice.

²¹ Kristian Erdianto, "Kementerian PPPA: Anak-Anak Harus Jadi Perhatian Bersama Selama Penanganan Pandemi Covid-19," Kompas.com, 2020, <https://nasional.kompas.com/read/2020/06/03/06455831/kementerian-pppa-anak-anak-harus-jadi-perhatian-bersama-selama-penanganan>.

Gender injustice can manifest in various forms of injustice, such as marginalization. Women's marginalization can come from government policies, beliefs, religious interpretations, traditional beliefs, habits, and even scientific assumptions²². Therefore, to realize policies and welfare for women and children, the Government needs to make efforts to deal with Covid-19, which must still pay attention to the principles of justice and gender equality by being oriented towards fulfilling the fundamental rights of women and children. In its implementation, every public official, both women and men, must have a gender paradigm in policymaking. Besides, women's involvement in the decision-making process or policy in dealing with the Covid-19 pandemic can also be a practical step for the Government to take as a manifestation of *sound governance* principles²³.

The Government has provided access to information on actual positive impact data and data on deaths that are disaggregated by gender and age. The importance of sorting information data about the impact of Covid-19 based on gender and age; this data can be used as a basis for determining the pattern of the spread of the virus so that it is easy to know the extent of vulnerability of women and children affected by Covid-19 and can also help the Government in designing policy formulation so that it can be right on target for women and children. The identity of this vulnerability is also considered to be able to find out the gender gap in the Covid-19 pandemic situation, and thus it will be easier to evaluate which policies and handling of Covid-19 may not be optimal.

The impact of the Covid-19 outbreak has created a tremendous burden on the Indonesian health system²⁴. Energy and health resources are being absorbed to support the response to the outbreak. For parents, concerns about infection and physical distancing policies may make them delay routine immunizations.

²² Abeda Sultana, "Patriarchy and Women's Subordination: A Theoretical Analysis," *Arts Faculty Journal* 4 (2012): 1–18, <https://doi.org/10.3329/afj.v4i0.12929>.

²³ Riswanda, Janet McIntyre-Mills, and Yvonne Corcoran-Nantes, "Prostitution and Human Rights in Indonesia: A Critical Systemic Review of Policy Discourses and Scenarios," *Systemic Practice and Action Research* 30, no. 3 (June 2017): 213–37, <https://doi.org/10.1007/s11213-016-9393-4>.

²⁴ Dyah Gandasari and Diena Dwidienawati, "Content Analysis of Social and Economic Issues in Indonesia during the COVID-19 Pandemic," *Heliyon* 6, no. e05599 (2020): 1–9, <https://doi.org/10.1016/j.heliyon.2020.e05599>.

If so, then many newborns, children and pregnant women are at risk of not receiving health interventions that are important to their safety, indicating a setback from what has been achieved in recent decades in terms of child survival and growth.

In response to this, the *United Nations International Children's Emergency Fund* (UNICEF) has prioritized providing essential medicines, nutrition and working with the government and logistics networks to mitigate the impact of travel restrictions on the provision of this medical equipment. UNICEF also provides essential equipment for Infection Prevention and Control (PPI), such as hand sanitizers, masks, disinfectants and personal protective equipment so that health workers can do their work safely and effectively²⁵.

The Government's policies in dealing with the Covid-19 pandemic are divided into several aspects such as economic, social, health, tourism, and so on. The policies issued include the Protection of health workers, upgrading of 132 referral hospitals for handling Covid-19, purchasing medical equipment, essential food assistance, cards pre-employment, exemption from electricity costs for the less fortunate, and so on.

In response to this, it is necessary to know that gender issues are included in various development fields, including health, violence against women, child marriage, economics, and politics. Therefore, we encourage all stakeholders, both at the central and regional levels, to implement Gender Mainstreaming (PUG). PUG is a strategy to achieve Gender Equality and Justice (KKG) through policies and programs that consider the experiences, aspirations, needs, and problems of women and men in planning, implementing, monitoring processes, and evaluating all policies and programs in various life and sector development.

Apart from developing women's empowerment, an issue that is no less important and the focus of government attention is the fulfilment of children's rights. This is stated in Law No. 35 of 2014 concerning Child Protection. One-third of the total population of Indonesia, or around 87 million people, are children. This is why the Government must work hard to create children who are

²⁵ United Nations Children's Fund, "Pelayanan Kesehatan Berbasis Komunitas, Termasuk Penjangkauan Dan Kampanye, Dalam Konteks Pandemi COVID-19," 2020.

ready to build a quality future. Not only children, but the Government must also strive to create welfare for women, especially during the Covid-19 pandemic; this is because cases of violence against women are no less important, considering that women have become targets of violence recently.

Cases of violence against women increasingly worrying were also raised in the discussion forum for the National Coordination Meeting for Women's Empowerment and Child Protection in 2019. Based on data from the Symphony for Women's Empowerment and Child Protection as of March 2019, the number of violence cases against women reached 2511 cases, consisting of 638 male victims. Male, 2,058 female victims. Meanwhile, the ratio of women victims of violence (per 100,000 women) is relatively high in 7 provinces, namely South Sulawesi, East Java, Central Java, DKI Jakarta, North Sumatra Aceh, and East Kalimantan. Deputy for the Protection of Women's Rights at the Ministry of Women's Empowerment and Child Protection, Vennetia R. Danes, emphasized that the women's rights protection program is cross-sectoral requires the participation of stakeholders²⁶. It can be noted that before the Covid-19 pandemic spread, cases of violence against women had increased significantly during the current pandemic, where the Government's focus on women was reduced because the Government focused on handling Covid-19.

Cases of violence against women have increased since the Covid-19 pandemic. The increase was recorded at 75%, said the communication Team of the Public National Task Force for the Acceleration of Handling Covid-19, Dr Reisa Broto Asmoro²⁷. Data recorded by the Ministry of Women's Empowerment and Child Protection with the National Commission on Women²⁸. The total number of cases of violence against women during the pandemic was 14,719. Of the cases, occurred in 3 categories, the personal

²⁶ Kementerian Pemberdayaan Perempuan dan Perlindungan Anak Republik Indonesia, "Permasalahan Perempuan Dan Anak Harus Ditangani Bersama," 2019, <https://www.kemenpppa.go.id/index.php/page/read/29/2111/permasalahan-perempuan-dan-anak-harus-ditangani-bersama>.

²⁷ "Gugus Tugas Sebut Kekerasan Perempuan Meningkat Sejak Pandemi," CNN Indonesia, 2020, <https://www.cnnindonesia.com/gaya-hidup/20200710174435-284-523357/gugus-tugas-sebut-kekerasan-perempuan-meningkat-sejak-pandemi>.

²⁸ Jayne Curnow, "Legal Support Structures and the Realisation of Muslim Women's Rights in Indonesia," *Asian Studies Review* 39, no. 2 (April 3, 2015): 213–28, <https://doi.org/10.1080/10357823.2015.1025695>.

domain was 75,4 per cent or 11,105 cases, community domain was 24.4 per cent or 3,602 cases, and state domain was 0.08 per cent or 12 cases. Of that total, most violence cases against women were physical violence, which totalled 5,548 cases. Then psychological violence was 2,123 cases, and sexual violence was 4,898 cases.

Meanwhile, economic violence reached 1,528 cases, and specific violence against migrant workers and *trafficking* reached 610 cases. Not only women cases of violence against children also increased rapidly during Covid-19. The National Commission for Child Protection noted that 809 cases of violence had been filed with the National Commission for Child Protection during the pandemic. As many as 52 per cent of them were cases of sexual violence; the main factor was the economy²⁹.

While it is true that the entire world is being affected, the health risks, burdens, experiences, and impacts are not the same for everyone. The impact in question is the differentiated impact, which we must consider the needs of women in fighting Covid-19.

E. CONCLUSION

Construction ideal handling policy Pandemic Covid-19-based welfare of women and children that policies public issued by the Government related to the handling of Covid-19 based on women's well-being is the be something exciting and considered essential to note, this according to *feminist jurisprudence*. Policies issued to improve the welfare of women and children must be improved during a pandemic, such as protecting women and children from domestic violence, fulfilling unfulfilled children's rights during the pandemic, eradicating oppression that occurs in women and children, as well as giving appreciation to women that the role of dualism during the pandemic has had a positive effect on the child. The Government's role in realizing the Covid-19 Pandemic policy to realize the welfare of women and children that the government's role in making policies at every level from regional to central must include a gender perspective in it. Policies for handling the Covid-19 Pandemic must be oriented towards

²⁹ Eva Safitri, "Kasus Kekerasan Perempuan Naik Selama Pandemi Corona," detik.com, 2020, <https://news.detik.com/berita/d-5088344/kasus-kekerasan-perempuan-naik-75-selama-pandemi-corona>.

fulfilling the fundamental rights of women and children. Besides, the involvement of women in the decision-making process or policy in dealing with the Covid-19 pandemic can also be a practical step for the Government to take as a manifestation of *good governance* principles. The Government is expected to make a policy for handling the Covid-19 Pandemic, which is oriented towards the welfare of women and children and strives to implement the policy according to its objectives. The community is expected to supervise every policy and implementation of the Covid-19 Pandemic handling policy to ensure children and girls' welfare.

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