

## Research Article

# Policies to Protect Children during the Pandemic in Indonesia: Between Expectation and Reality

Tyas Retno Wulan\*, Sulyana Dadan, Nanang Martono, Ankarlina Pandu Primadata, Alfian Ihsan

Department of Sociology, Faculty Social and Political Sciences Universitas Jenderal Soedirman

**ORCID**

Tyas Retno Wulan: <https://orcid.org/0000-0002-9006-7916>

**Abstract.**

COVID-19 has affected Indonesia in the health aspect and social, economic, and human rights, especially for vulnerable groups. The pandemic also multiplied the injustice experienced by women, children, persons with disabilities, and the elderly. Hundreds of thousands of Indonesians died, experienced by not only the elderly, the most vulnerable group, but also the productive age population. Children have to face two kinds of threats at once, the threat of COVID-19 exposure and the potential of losing their parents. Abandoned forever by their father, mother, or both parents due to exposure to COVID-19, causing many children to be orphaned. According to the data of the Indonesian COVID-19 Handling Task Force, on July 20, 2021, 11,045 children were orphaned. Another data informed that the number of children exposed to COVID-19 was 350,000 children, and 777 children of that died. There are two main purposes of the study to answer the research problem. First, to identify the problems of children as the victims of the COVID-19 pandemic in Indonesia. Second, to map out the policies and stakeholders which are able to provide protection for children as the victims of the COVID-19 pandemic in Indonesia. The results of the study showed that various ministries and national governments have had certain policies to protect children as victims of the COVID-19 pandemic. Still, these policies have not integrated with each other and have not been implemented optimally in the regions.

## 1. Introduction

Regarding on **Save the Children Indonesia**, the total number of people died due to COVID-19 as of August 11, 2021 were 110,619. Around 2.8 percent were those aged 19-30 years and 12.8 percent were aged between 31-45 years. Most of them were married and have children aged 0-17 years. Because of that, there were around 17,257 children were fatherless, motherless or both. It is the minimum estimation, while some organizations estimate the figure to be much higher (4). The data of Indonesia COVID-19 Task Force on September 7, 2021 stated the number of orphans were 25,202. Another data as a result of mapping conducted by the Ministry of Women's Empowerment and Child Protection together with UNICEF since the beginning of the COVID-19 pandemic, there have been

Corresponding Author: Tyas Retno Wulan; email: [Tyas.wulan@unsoed.ac.id](mailto:Tyas.wulan@unsoed.ac.id)

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25,430 children in Indonesia who have lost one or both parent due to COVID-19. The loss of parents was also experienced by other children in the worldwide, in April 2021 there were 862,365 children from 21 countries loose one or both of parent due to COVID-19. In more detail, there were 788,704 children were fatherless, motherless, or both, with most losing one parent; another 73,661 lost at least one grandparent or older relative. The countries with the highest number of children losing their primary caregiver (parent or guardian) in April 2021 were South Africa, Peru, United States of America, India, Brazil and Mexico, with the number of children being orphaned in the range from 94,625 to 141,132(5).

Children who have lost their parents due to COVID-19 need comprehensive treatment to make sure their basic rights are still fulfilled. According to the Chairman of the National Commission for Child Protection, Aris Merdeka Sirait in a webinar by theme "Protection of Children Affected by COVID-19" in Jakarta, Thursday (2/9/2021), Children who have lost their parents due to COVID-19 pandemic need to receive long term comprehensive treatment. Reunification and social rehabilitation programs are urgently needed by the Children. It can be provided through the presence of an alternative family. In addition, children losing their parents due to COVID-19 are vulnerable to lose their right to care. These conditions also make children vulnerable to become a victim of child trafficking, sex slavery, sexual violence, and other rights violations (6). Regarding on the explanation above, the study focus to identify the kind of problems facing by the Indonesian children as the victim of COVID-19 pandemic. Also to map out kind of policies and stakeholders has an ability to provide protection for Indonesian children as the victim of the COVID-19 pandemic. As far as the author's reach, there are no researchers who have specifically mapped out the problems faced by children as the victim of COVID-19 pandemic and policies protection for them. This is the novelty of this paper

## 2. Method

In accordance with the purpose of the paper, to identify the problems of children and to map out policies and stakeholders able to provide protection to children as the victim of the COVID-19 pandemic in Indonesia. The paper employing qualitative method with reflective study as an approach to several kind of literature such as journals, mass media and social media news, and also in-depth interviews on several research subjects. There were two various kinds of data, the primary data was the result of in-depth interviews and the secondary data was taken from credible resources explored by researchers

such as from journals and various news related to children as the victim of the COVID-19 pandemic. The primary data and the secondary data were analyzed by interacting the propositions, the textual realities, and another important statements. The interactive relationship from all the data will be an analytical reflective description.

### 3. Results and Discussion

#### 3.1. Problems faced by Indonesia children as the victim of the COVID-19 pandemic

Children were left by one or even both parents during the COVID-19 pandemic face many problems. Regarding on the results of the literature review, several children's problem as an impact of COVID-19 can be identified as follows:

##### 3.1.1. The Vulnerability to Threats of Exploitation

According to the Director General of Social Rehabilitation of the Indonesian Ministry of Social Affairs, Harry Hikmat, there were various impacts caused by COVID-19 for children, including family separation, reduction access to social support, parental stressful, violence, maltreatment, psychological stress on children, indifference, exploitation, and stigma on certain ethnicities (8). It was also emphasized by the Head of the NTT PPPA Service, drg. lien Adriany, who explained that children who have lost their parents due to COVID-19 highly potential to become victim of exploitation. The typical concerns has occurred in East Nusa Tenggara, which was known as a province with high cases of human trafficking.

Not all decisions to lend a helping hand to children whose parents died during the pandemic are based on sincerely. For this reason, local government officials were quite careful regarding this matter. There were a number of children exploitation in such cases. There were several parties helped these children by expect to access the government's financial aid program. However, the money was used for their own interests and was not given to the children purposes. Another method, stated by lien, was by adopting the child but only take the advantage and use him as housemaids (9).

### 3.1.2. The Vulnerability to Child Marriage Cases

According to the perspective of Aris Merdeka Sirait, the Chairperson of the National Commission for Child Protection (Komnas Perlindungan Anak), children who were orphaned during the COVID-19 pandemic are vulnerable to be victims of child marriage. "There is a lot of potential for orphans to deal with them being married off or being victims of child marriage. It is because several Indonesians still consider that child marriage is a way out so that children are no longer orphans (10). Regarding on data from the Regional Office of the Ministry of Religion of Central Java Province, in 2019 there were 3,726 marriages of girls under the age of 19. In 2020 the number increased dramatically to 11,301 children. In 2021 the number again increase to 11,686 children. Meanwhile, on the last three year there was not the increase of the boys' marriage under the age of 19, the number remained below 2,000. Regarding on the Law Number 16 of 2019 regulating about the minimum age for marriage, the minimum age for men and women to marriage is 19 years old (11).

### 3.1.3. Dealing with Psychological Problems

According to a psychologist who is also the National Coordinator of the Gusdurian Network, Alissa Qotrunnada Munawaroh Wahid, it was an extremely hard process faced by children as the victim of COVID-19 due to losing the parents. Every child has a micro system related to how about himself and his school, how about life at home, and so on. That's why, said Alissa, talking about more than 11,000 children who have lost their parents means talking about these 11,000 microsystems. Losing the parent due to pandemic, naturally, causing heavy stress for children because of their dependence on their parents. The real case given by Alissa is about family finance case. She believes that children did not know the amount needed for food and other needs in every month. Losing a parent is naturally the biggest cause of heavy stress, pandemic multiplied the impact heavier. Pandemic make it more difficult because the process is so unprepared and in a limited time. What mostly happened started by the parent got sick, were taken to the hospital and never came back. The worst, they can't even take their parents to the grave, Alissa stated (12). According to Meiti Subardini's study (13) related to the phenomenon of the children's separation from their parents and caregivers due to COVID-19, it is able to increase the possibility of the emergence of various psychosocial problems for children. It can be seen from the sadness, stress, and deep trauma displayed by the child. Another consequence of the situation are the mental

and psychological disturbance of the child. Regarding from the psychosocial aspect, children's separation stimulate feelings of discomfort, pain, and grieving. Those were the cause of bad experience for children such as sadness, stress, depression and even trauma (Hatta, 2015). In addition, according to Edillon (2008) said that the separation of children from their parents will increase the risk or vulnerability of abandoned children to abuse drugs, experience physical or sexual violence, and suicide attempt. Another impacts including deviance behavior and the decrease of academic achievement at school (Jordan & Graham, 2012), also health problems of children (Save The Children, 2011).

### 3.1.4. Dealing with Unclear Custody and Guardianship Rights

Coinciding with National Children's Day on July 23, 2020, West Java Governor Ridwan Kamil announced on his Instagram page that he was taking care of a baby boy:

"On this National Children's Day, we are starting to take care of this cute orphaned baby boy who was abandoned by his parents,"

The baby, named Arkana, was abandoned by his parents, who are staff members of Ridwan Kamil because of COVID-19. Legally Arkana is a rarely lucky child, because after the death of his parents due to COVID-19 he immediately got a clear guardian including responsibility for his future. Meanwhile, hundreds thousands of other children in Indonesia experiencing unclear destiny. East Java Province established a regulation about the assessment from the Social Service and Family Learning Center (Puspaga) as a requirement to adopt an orphaned children whose parents died due to COVID-19. According to Andriyanto, Head of the Office of Women's Empowerment, Child Protection and Population (DP3AK) East Java Province, argued that nurturing procedures must be in accordance with the nurturing protocol has been set by the Task Force for the Acceleration of Handling COVID-19. A foster parent only allowed for one year to nurture the child, it cannot be extended anymore. It means that being a foster parent is non-permanent and an extension can be made through the local Social Service. To adopt a child can be proposed through the Social Service and determined by the court. According to the parenting protocol, in case that one or both parents died from COVID-19 and have children under 18 years of age, right of nurturing can be taken from one of the surviving parents, siblings, or extended family members (14).

It can be explained also from legal perspective that a child does not have parents due to the death of both parents and other reasons that make a child neglected, it is necessary to have an institution as a parental surrogate functions such as orphanages.

Orphanage is a service developed for children who do not have or are abandoned by their parents. The problem of orphans who do not have parents has been regulated in Indonesia constitution no. 1 of 1974 Chapter XI about guardianship. Article 50 Paragraph 1 of the constitution stated that "children who have not reached the age of 18 (eighteen) years or have never been married, who are not under the authority of their parents, are under the authority of a guardian". A guardian means somebody who will take care of all the needs of the child and the child's property. A guardian is the person appointed by the child's parents, or if the parent has died without a testament (such as due to COVID-19) then a guardianship will be given to the child's family. A person who is appointed as guardian of a child must should have desire to accept the appointment unless he has strong reasons which according to the constitution are justified and the appointment of guardianship can be replaced (15). There must be someone who is able to take over this ongoing responsibility, this kind of person is manifested as an Actuarial figure.(16). It can be concluded that the rights of care and guardianship rights for the children as victims of COVID-19 should have to be completed by establishing a clear and comprehensive policy regulations.

According to the description of the chapter, it has been mapped from various references related to the problems faced by the children as victims of the COVID-19 pandemic, including: the vulnerability to threats of exploitation, the vulnerability to child marriage cases, the vulnerability to psychological problems and the vulnerability to unclear custody/guardianship rights. Those kind of problem did not include children's basic rights problem related to education, health and the economy. The complexity of the problems faced by children as victims of COVID-19 requires appropriate policies and clear handling strategies.

According to Rizaty (2021), the loss of a caregiver provides new challenges for children, including: (1) health problems; (2) mental development; (3) violence and crime; (4) education guarantee; and (5) child marriage. This study is also in line with research by Abdullah et al (17) and Rafferty (18) which shows the mental health problems of children who are victims of COVID-19 and their vulnerability to being victims of trafficking.

### **3.2. Policies and Stake Holders Has Ability to Provide Protection to Children Victim of the COVID-19 Pandemic in Indonesia**

This sub-chapter describes the policies issued by the government to provide protection for children as victims of the COVID-19 pandemic, stakeholders who are expected to provide protection and critical notes on policy implementation.

### 3.2.1. Policies for the Protection of Children as victims of COVID-19

Regarding to the investigation of the team, there were several policies prepared by the government for the protection of child victims of COVID-19 including:

#### 3.2.1.1 Government Regulation (Peraturan Pemerintah) No. 78/2021 on Special Protection for Children

The government has emphasized the presence of the state to protect children, including special condition affected by the COVID-19 pandemic, through the issuance of Government Regulation (PP) No. 78/2021 about special protection for children. Protection for children during the COVID-19 pandemic is not only realized through health protection, but also efforts to create and maintain a conducive environment for their growth and development. The regulation defined a child as someone under 18 years old, including those who are still in the womb. The Government Regulation (PP) on Special Protection for Children was signed by Indonesian President on August 10, 2021. It was issued on the basis of two needs, empirical sociological needs and juridical needs. From an empirical sociological perspective, there were certain situations and conditions that endanger the child's self and soul, it needs the presence of the state to guarantee their future. It was included children in emergency situations, children in conflict with the law, children who are exploited both sexually and economically, children who are victims of trafficking, and other special conditions. There are at least 20 categories of children who need special protection, including children who are victims of sexual exploitation, children who are victims of terrorist networks, children who are victims of physical violence, children who are victims of trafficking, and children who are victims of disasters, including non-natural disasters such as the COVID-19 pandemic (17).

The Government Regulation (PP) No. 78/2021 about special protection for children does not mention specifically for the children as victims of COVID-19, in general it does provide protection space for children as a victim of non-natural disasters. Protection was carried out through preventive action to avoid children not being a victim in emergency situations in various ways. The preventive action including by recording the number of children who need special protection and freeing up their education costs, both in formal and non-formal educational institutions during an emergency.

### 3.2.1.2. Regulation of the Minister of Social Affairs (Permensos) Number 7 of 2021 Concerning on Social Rehabilitation Assistance

Social Rehabilitation Assistance is a Social Rehabilitation service using a family, community and or residential approach through activities to support the fulfillment of decent living needs, social care, family support, physical therapy, psychosocial therapy, mental spiritual therapy, vocational training, entrepreneurship coaching, social assistance and social assistance and accessibility support(18). The target for ATENSI services are referring to the Regulation of the Minister of Social Affairs of the Republic of Indonesia Number 16 of 2019 concerning the National Standard of Social Rehabilitation. Mentioned in Regulation of the Minister of Social Affairs of the Republic of Indonesia Number 7 of 2021 Chapter II Article 3 that the targets of the Social Rehabilitation Program are also given to; victims of natural, social and other disasters as determined by the government; and another institution called Need for Social Welfare Services (Pemerlu Pelayanan Kesejahteraan Sosial).

The process for distributing Child Attention assistance was carried out by the Ministry of Social Affairs by collecting data on children who have lost their parents due to the COVID-19 pandemic through the social services on district/city/provincial. The data was collected including parental status, the presence of a guardian, and his participation in the government assistance program such as the Kartu Indonesia Sehat (KIS), Kartu Indonesia Pintar (KIP) to see the background of the children whether he come from underprivileged and vulnerable families. De jure, the existence of the Social Ministerial Regulation are very attractive and promises comprehensive protection, but the implementation still has to be verified. The team tried to confirm the implementation of this policy at the regional level, there is no good synchronization between the regulation and the practice in the regional level.

Regarding on the two policies above, there are interrelation between stakeholders at the central government level that should be responsible about children protection, they are the Coordinating Ministry for Human Development and Culture, the Ministry of Social Affairs, the Ministry of Women and Children Protection, and the Ministry of Home Affairs. Furthermore, the implementation of regulation needs to be well verified at the provincial and district/municipality levels. The initial process is carried out by collecting data by name by address on children orphanage. It needs cooperation between institutions and support from the community around where the children live.



### 3.2.2. Critical Notes on the Implementation of Policies for the Protection of the Children as Victims of COVID-19

Based on the mapping of the problems of children as victims of the COVID-19 pandemic, it was identified that they are vulnerable to be a victims of exploitation, vulnerable to cases of child marriage, vulnerable to psychological problems and vulnerable to unclear custody/guardianship rights. Those kind of problem did not include children's basic rights related to education, health and the economy. The complexity of the problems faced by children as victims of COVID-19 requires appropriate policies and clear handling strategies. The result of the study showed that there were 2 policies for the protection of child as victims of COVID-19. They were Government Regulation No. 78 of 2021 concerning special protection for children and Minister of Social Affairs Regulation and No. 7 of 2021 concerning Social Rehabilitation Assistance. In terms of state presence, the two policies were a representation of the responsive presence of a state in dealing with emergency problems related to non-natural disasters (COVID-19 pandemic).

In fact, the policies and relevant stakeholders at the national level are not strongly enough to immediately address the problems of these children. These policies must be well interpreted at the level of operational procedure and more practical stages to be implemented at the regional level. The main point of interpretation is also to listen to the voices and needs of children. Referring to Retnaningsih's study, social protection should be carried out systematically and comprehensively, taking into account the following steps: (1) identification the problem of orphans as victims of the COVID-19 pandemic; (2) listening the opinion of orphaned as victims of the COVID-19 pandemic; (3) assessment and analysis of issues to be addressed; (4) budget allocation and fundraising; and (5) social protection as an effort to fulfill the rights of orphans victims of the COVID-19(19).

## 4. Conclusion

1. The problems of children as victims of COVID-19 including: the vulnerability to being victims of exploitation, the vulnerability to child marriage cases, the vulnerability to psychological problems and the vulnerability to unclear custody/guardianship rights, the fulfillment of children's basic rights related to education, health and the economy.
2. Policies for the protection of child as victims of COVID-19 issued by the government are: Government Regulation No. 78 of 2021 concerning special protection for

children and Regulation of the Minister of Social Affairs No. 7 of 2021 concerning Social Rehabilitation Assistance

3. It is needed an operationalization of policies at the regional level and coordination between stakeholders so that policies can be implemented properly. Both policies also need to be monitored and evaluated.
4. The government should immediately completing data collection on orphans who are victims of the COVID-19 pandemic; and conduct monitoring and evaluation in the regions to ensure that policies have been implemented in the regions.
5. Further research is needed to ensure state protection for children as victims of COVID-19.

## Conflict of Interest

This paper is the idea of the research team and we hereby declare that there is no conflict of interest in writing this paper

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