

## LEGAL PROTECTION FOR THE ABANDONED CHILDREN AT POST-COVID-19 PANDEMIC

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### ABSTRACT

The pandemic outbreak that has hit the world has made many changes, in all matters including Indonesia, these changes are related to the order of life, especially in terms of culture which is a habit of people's daily lives. Indeed, these changes are not revolutionary, but have a very big impact. So many Indonesians have died due to being exposed to covid 19. Indonesia seems to be faced with the consequences of war, many people have been abandoned by their partners, children have been abandoned by their parents or other families who have died as a result of being exposed to COVID-19. In Indonesia, there are thousands of children who have lost both their parents, which until now are still at the level of data collection alone, but there has been no ongoing concrete action from the government which in fact is the responsibility as mandated in the constitution and in the laws and regulations entitled child protection. Many problems caused by this incident after the covid pandemic caused various very dilemmatic problems, as a civilized nation, of course this problem is not only a government problem, but the community must also think about the best steps to overcome the problems of thousands of children who have become orphans so that they can continue their life and enjoy their rights as children, even though they are not given by their own parents. Therefore, in this study, the problem discussed is how to protect children who are left behind by their parents after the COVID-19 pandemic. The state's financial condition which is mostly concentrated on handling covid and vaccination is one of the contributing factors so that the handling of children still does not show the real thing from the government's responsibility, about the data alone there are still many that are not valid and confusing, other things are also a problem that need to be addressed together is that the condition of these children is vulnerable to criminal acts, both children as victims and children as perpetrators who are in conflict with the law. Efforts are being made so that children do not become victims or perpetrators of criminal acts, the government must immediately make a real work program. This problem is not only a social problem, but also a community problem that must be prioritized for humanity, therefore we cannot only expect the government to do what it should.

**Keywords:** Legal Protection, Children, Covid-19 Pandemic

### A. INTRODUCTION

Understanding everything that is happening, must be from the right point of view, the problem of the occurrence of the COVID-19 pandemic disaster cannot be viewed from a purely social point of view, serious handling requires arrangements that are intended for this. Responsive law will anticipate the situation, however, some policies may conflict with interest. Understanding the law as a social institution, making the law able to act as a means of justice, as stated by Prof. Alvi Syahrin that the law also has a function, ; maintain stability, provide a social framework for the needs proposed by

community members, create rules so that the needs of community members can be met in an organized manner, and inter-institutional links.<sup>1</sup>

There are 3 (three) disasters that are designated as national disasters in Indonesia, namely; in 1992 the Flores Earthquake and Tsunami; in 2004 the tsunami in Aceh and in 2020 the covid-19 epidemic (non-natural disaster). The determination of national disaster is based on Law no. 24 of 2007, namely the number of victims, loss of property, damage to facilities and infrastructure, coverage of affected areas, and social and economic impacts.

The first case of the disease called Covid-19 occurred in the Chinese city of Wuhan around the end of December 2019, the spread was so fast that in the shortest time it could spread everywhere and currently, as far as the author knows, almost all over the world have been infected with this virus. The very fast spread has made several countries implement restrictive policies and even impose lockdowns so that the covid-19 virus can be prevented, and Indonesia has also implemented a lockdown policy since March 17, 2020, and then the policy of implementing restrictions on community activities, abbreviated as PPKM. The determination of the PPKM level depends on the color of the zone of each region. In July and August almost all areas are red or red zones and of course this is included in the level 4 (four) category. However, until the writing of this paper and the place where this seminar took place, Ternate was determined by the central government with a level 1 category.

The following are the five countries with the highest number of spreading cases and those exposed to COVID-19 in the third week of August 2021, namely the United States with 1,020,072 people, Iran with 251,610 people, India with 231,658 people, Britain with 219,919 people and Brazil with a total of 219,919 people. 209,099. Globally, with the figures seen above, the spread of the Covid-19 virus in Indonesia is still very far away. However, when compared to the number of deaths from the corona virus, Indonesia ranks the highest.<sup>2</sup> worldwide, the death toll in the last week of August amounted to; 8,784 souls. Then followed by the United States with 6,712 people, Brazil with 5,649 people and Russia with 5,545 people and Mexico with 4,666 deaths due to the COVID-19 virus.

Data collection of children aged 0-17 years whose parents died due to exposure to COVID-19 submitted by Dra. Elvi Hendriani As Dep of Child Protection Special Conditions of the Ministry of PPPA in a seminar on "Children Affected by Covid-19" stated that there were 29,056 children whose parents died due to exposure to Covid<sup>3</sup>. As a representative of the government in the event, of course, Mrs. Elvi Hendriani hopes that Empowered Women, Protected Children, Advanced Indonesia.

Based on the data that has been described previously, it is certainly very touching for us to remember that there are 29,056 children who were left by their parents because of COVID-19, either as orphans, as orphans or as orphans, where these children still really need love. from both parents, need a decent living, need proper education, and other forms of needs for children in their growth period. On the commemoration of National Children's Day on July 23, 2021, Covit19.go.id (July 22, 2021) stated that the total cases of children exposed to Covid-19 were 388,267 cases and the total number of child deaths was 814 people.

In commemoration of National Children's Day (HAN) in 2021, the Ministry of Women's Empowerment and Child Protection (Kemen PP PA) with the theme of HAN in 2021 is "Protected Children, Advanced Indonesia" with the main message "Children Care in a Pandemic Period"<sup>4</sup> which will be held on Friday 23 July 2021 online through

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<sup>1</sup> Alvi Syahrin, *Beberapa Masalah Hukum*, PT. Sofmedia, Medan Cetakan Pertama 2009, hal iii

<sup>2</sup> <https://newssetup.kontan.co.id/news/duh-angka-kematian-akibat-covid-19-di-indonesia-masih-yang-tertinggi-di-dunia>, diakses tanggal 27 Oktober 2021

<sup>3</sup> Dra. Elvi Hendriani AsDep Perlindungan Anak Kondisi Khusus Kemen PPPA, Seminar "Anak Terdampak Covid-19 Tanggung Jawab Siapa dan Mau Dibawa Kemana", Kamis 28 Oktober 2021. LBH Kongres Advokat Indonesia, Advokasi Peduli Bangsa

<sup>4</sup> <https://dp3appkb.kalteng.go.id/puncak-peringatan-hari-anak-nasional-tahun-2021.html>, diakses tanggal 4 November 2021

the Ministry of PP PA's Youtube. This theme illustrates the commitment of the government and the community to continue to participate in protecting Indonesian children in the midst of the Covid-19 pandemic. The commemoration of National Children's Day is carried out as a form of respect, protection and fulfillment of children's rights as the nation's next generation. Based on the reasons above, the author is interested in discussing this

## B. PROBLEM STATEMENT

How is legal protection for children who are left behind by their parents after the Covid-19 pandemic

## C. DISCUSSION

### 1. Covid-19

Based on information obtained from TribunNews<sup>5</sup> The total number of corona infection cases in Indonesia as a whole as of October 26, 2021 is 4,241,090 people and meanwhile for cases that have recovered reached 4,084,831 people, where the additional recovery rate as of October 26 was 1,141 people.

Judging from the records issued by Dukcapil<sup>6</sup> as reported, the Directorate General of Population and Civil Registration of the Ministry of Home Affairs (Kemendagri) recorded the current population of Indonesia as 272.23 million as of June 30, 2021. With details of 137.52 million men and 137, 71 million people are female.

The corona virus that emerged in China at the end of 2019 has also mutated into several small variations that make it contagious and spread quickly. Corona virus disease (covid-19) is an infectious disease caused by the SARS-CoV-2 virus. Most people who are infected with COVID-19 will experience mild to moderate symptoms, and will recover without special treatment, unless there is a congenital disease (comorbid) suffered by a person who is infected with the Covid-19 virus, which can cause severe illness and can cause serious illness. death, especially after being exposed to Covid, the handling is too late. Viruses that can be spread through the mouth and nose of an infected person are in the form of small fluid particles that can be in the form of droplets that are sprayed out through coughing, sneezing, talking, singing or breathing, both exhaling and inhaling the air. And this virus spreads more quickly in close proximity and in crowded places.

According to data released by the Task Force for the Acceleration of Handling Covid-19 of the Republic of Indonesia, the number of confirmed positive cases as of August 6, 2021 was 3,568,331 people with a death toll of 102,375 people or around 2.9% case fatality rate.<sup>7</sup> confirmed and reported. Based on the age groups exposed and those who died from COVID-19, they are as follows;

- then 0-5 years old exposed 0.49% died 0.5%,
- 6-18 years exposed 0.14% , died 0.5%
- 19-30 years exposed 0.32% , died 2.8%
- 31-45 years exposed 1.26% , died 12.7%
- 46-59 years exposed 4.84% , died 36.8% and
- age over 60 years exposed 11.75%, died 46.7%

Meanwhile, based on the sex of the Covid-19 patients who died, 53.1% were male and 46.9% were female. Regarding the causes of contracting the virus and its variants, the symptoms when exposed to the covid-19 virus and the risk factors

<sup>5</sup> <https://www.tribunnews.com/corona/2021/10/26/breaking-news-update-corona-26-oktober-2021-611-kasus-baru-35-kematian-harian?page=4> diakses tanggal 27 Oktober 2021

<sup>6</sup> <https://www.google.com/search?q=jumlah+penduduk+indonesia+2021&oq=jumlah&aqs=chrome> accessed on 27 October 2021

<sup>7</sup> <https://www.alodokter.com/covid-19> accessed on 31 October 2021

for contracting covid-19, the author feels, is widely known by the public. On the commemoration of National Children's Day on July 23, 2021, Covit19.go.id (July 22, 2021) stated that the total number of Covid-19 child cases was 388,267 cases and the total number of child deaths was 814 people. When viewed from various sources regarding data on COVID-19 in Indonesia, there are disputes that the author himself has not found where the cause of the dispute is. What is clear is that fluctuations in changes in the number of cases will continue to occur while Covid-19 is still around.

## 2. Legal Protection

Legal protection is a theory that examines and analyzes the form and form or purpose of protection, protected legal subjects and objects of protection provided by law to the subject.<sup>8</sup>

The principle of legal protection for the people against government actions rests and originates from the concept of recognition and protection of human rights because historically in the West, the birth of concepts regarding the recognition and protection of human rights was directed at the limitations and laying down of human rights. obligations to society and government<sup>9</sup> Legal protection is a narrowing of the meaning of protection, in this case only protection by law<sup>10</sup> Meanwhile, according to Soerjono Soekanto, legal protection is all efforts to fulfill rights and provide assistance to provide a sense of security to witnesses and/or victims. medical services and legal assistance.<sup>11</sup>

In fact, in Indonesia, legal protection has been carried out for all Indonesian people. This legal protection has also been regulated in the preamble to the 1945 Constitution of the Republic of Indonesia which states 'that in fact independence is the right of all nations and because of that, colonialism in the world must be abolished because it is not in accordance with the principles of humanity and justice'. . Thus, the existence of the 1945 Constitution of the Republic of Indonesia has proven that the independence of the rights of Indonesian citizens has been protected by the 1945 Constitution of the Republic of Indonesia.

Legal protection for children is one way to protect the nation's future generations. Legal protection for children concerns all applicable legal rules. This legal protection is considered necessary because children are part of society who have physical and mental limitations. Therefore, children need special protection.<sup>12</sup>

Legal certainty needs to be sought for the continuity of child protection activities and prevent abuses that have undesirable negative consequences in the implementation of child protection.<sup>13</sup> Child protection is an effort to protect children so that they can carry out their rights and obligations<sup>14</sup>

The protection of children's rights is essentially directly related to the regulation in laws and regulations. Policies, efforts and activities that guarantee the realization of the protection of children's rights are based on the consideration that children are a vulnerable and dependent group, in addition to the existence of

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<sup>8</sup> H. Salim Hs Dan Erlies Septiana Nurbani, *Penerapan Teori Hukum Pada Penelitian Tesis Dan Disertasi*, PT. Raja Grafindo Persada, Jakarta, 2013, hal 263.

<sup>9</sup> Philipus M. Hadjon, *Perlindungan Hukum Bagi Rakyat di Indonesia*, PT. Bina Ilmu, Surabaya, 1987, hal 38.

<sup>10</sup> Kancil CST, *Pengantar Ilmu Hukum dan Tata Hukum Indonesia*, Balai Pustaka, Jakarta, 1989, hal 102.

<sup>11</sup> Soerjono Soekanto, *Pengantar Penelitian Hukum*, UI Press, Jakarta, 1984, hal 133

<sup>12</sup> Marlina, *Peradilan Pidana Anak di Indonesia, Pengembangan konsep Diversi dan Restorative Justice Peradilan Pidana Anak di Indonesia*, Reflika Aditama, Jakarta, 2007, hal 43

<sup>13</sup> Arif Gosita, *Masalah Perlindungan Anak*, Akademi Pressindo, Jakarta, 2009, hal 35.

<sup>14</sup> *Ibid*, hal 52.

groups of children who experience obstacles in their growth and development, both spiritually and physically. as well as social.<sup>15</sup>

Legal protection for children is one side of the approach to protecting Indonesian children. The problem is not merely a juridical approach, but a broader approach is needed, namely economic, social and cultural<sup>16</sup>

This child protection has actually been regulated by the government through Law Number 23 of 2002, which has been updated with Law No. 35 of 2014 concerning Child Protection contained in Article 20 which contains that the State, Government, Regional Government, Society, Family and Parents or guardians are obliged and responsible for the implementation of Child Protection.

The obligations and responsibilities of the state and government in carrying out legal protection for children are regulated in several articles in Law No. 23 of 2002 which has been updated with Law No. 35 of 2014 concerning Child Protection. The contents of each article are as follows:

- a) In Article 21 paragraph (1) the State, Government and Regional Governments are obliged and responsible for respecting the fulfillment of children's rights without distinction of ethnicity, religion, race, class, gender, ethnicity, culture and language, legal status, birth order, and physical condition. and/or mental
- b) In Article 22, the State, Government and Regional Governments are obliged and responsible for providing support for facilities, infrastructure, and the availability of human resources in the implementation of Child Protection.
- c) In Article 23, paragraph (1), the State, Government and Regional Government guarantee the protection, maintenance, and welfare of the Child by taking into account the rights and obligations of Parents, Guardians, or other persons legally responsible for the Child. Paragraph (2) The State, Government, and Regional Government supervise the implementation of Child Protection.
- d) In Article 24, the State, Government, and Local Government guarantee the child to exercise his right to express opinions according to the age and level of intelligence of the child

Likewise, in line with Satjipto Raharjo's opinion that legal protection is a variety of legal measures that must be provided by law enforcement officers to provide a sense of security, both mentally and physically from interference and various threats from any party.<sup>17</sup>

This also agrees with Phillipus M. Hadjon's opinion that preventive legal protection aims to prevent disputes from occurring, which directs government actions to be careful in making decisions based on discretion.<sup>18</sup>

Meanwhile, Abintoro Prakoso said that the impact of crime prevention efforts focused on the root of crime or situational prevention and increasing community capacity in the use of informal social control facilities.<sup>19</sup>

### 3. Child

Children according to language are the second offspring as a result of the relationship between a man and a woman. In the preamble to Law Number 23 of

<sup>15</sup> *Ibid*, hal 52

<sup>16</sup> Bismar Siregar, *Keadilan Hukum dalam Berbagai Aspek Hukum Nasional*, Rajawali, Jakarta, 2006, hal 22.

<sup>17</sup> Satjipto Rahardjo, *Ilmu hukum*, Citra Aditya Bakti, Bandung, 2000, Hal 74.

<sup>18</sup> Phillipus M. Hadjon, *Perlindungan Hukum Bagi Rakyat Indonesia*, PT. Bina Ilmu, Surabaya, 1987, Hal 2

<sup>19</sup> Abintoro Prakoso, *Kriminologi Dan Hukum Pidana*, Laksbang Grafika, Yogyakarta, 2013, Hal 160

2002 concerning child protection, it is stated that children are a mandate and gift from God Almighty, who has inherent dignity as a whole human being.<sup>20</sup>

In addition, according to Abu Huraerah, a child is someone who is born from a relationship between a man and a woman. The relationship between a man and a woman if bound in a marriage bond is usually referred to as husband and wife.<sup>21</sup> If viewed from the juridical aspect, the definition of a child in the eyes of positive law in Indonesia is commonly defined as a person who is not yet an adult, a person who is under age or under age or is often referred to as a child under the supervision of a guardian.<sup>22</sup>

Furthermore, it is said that children are buds, potentials, and the younger generation who succeeds the ideals of the nation's struggle, has a strategic role and has special characteristics and characteristics that ensure the continuity of the existence of the nation and state in the future. Therefore, in order for every child to be able to take on these responsibilities, he needs to get the widest possible opportunity to grow and develop optimally, physically, mentally and socially, and has a noble character. provide guarantees for the fulfillment of their rights and treatment without discrimination.<sup>23</sup>

To determine the age limit in terms of the definition of a child, then we will get various kinds of age limits for children considering the various definitions of age limits for children in several laws, for example<sup>24</sup>

- 1) Law Number 1 of 1974 concerning Marriage requires a marriage age of 16 years for women and 19 years for men. And according to the provisions of the latest Marriage Law No. 16 of 2019 amendments to Law no. 1 of 1974, requires that the age of marriage for women is equal to the minimum age of marriage for men, which is 19 (nineteen) years.
- 2) Law Number 4 of 1979 concerning Child Welfare defines a child as 21 years old and never married.
- 3) Law Number 3 of 1997 concerning Juvenile Court defines a child as a person who in the case of a naughty child is eight years old, but has not yet reached 18 years of age and has never been married.
- 4) Law Number 39 of 1999 concerning Human Rights states that a child is someone who is not yet 18 years old and has never been married.
- 5) Law Number 13 of 2003 concerning Manpower allows the working age of 15 years.
- 6) Law no. 20 of 2003 concerning the National Education System imposes 9-year Compulsory Education, which is connoted to be children aged 7 to 15 years.
- 7) Law No. 35 of 2014 concerning Child Protection, that children are not yet 18 years old, including those who are still in the womb
- 8) Law No. 11 of 2012 concerning the Juvenile Criminal Justice System and the Diversion process, children in conflict with the law are children who are 12 years old but not yet 18 years old

Maidi Gultom is of the opinion that the child, as long as the body is still undergoing the process of growth and development, the child is still a child and will only become an adult when the process of development and growth is complete, so the age limit for children is the same as the beginning of becoming an adult, which is 18 (eighteen). twelve) years for women and 21 (twenty) years for men.<sup>25</sup>

<sup>20</sup> M. Nasir Djamil, *Anak Bukan Untuk Dihukum*, Sinar Grafika, Jakarta, 2013, hal 8.

<sup>21</sup> Abu Huraerah, *Kekerasan Terhadap Anak*, Nuansa, Bandung, 2006, hal 36

<sup>22</sup> Sholeh Soeaidy dan Zulkhair, *Dasar Hukum Perlindungan Anak*, CV. Novindo Pustaka Mandiri, Jakarta, 2001, hal 5.

<sup>23</sup> M. Nasir Djamil, *Op.Cit*, hal 8

<sup>24</sup> *Ibid*, hal 9.

<sup>25</sup> Maidin Gultom, *Perlindungan Hukum Terhadap Anak*, PT.Refika Aditama, Bandung, 2010, hal 32

When a person becomes an adult, it is when he (male or female) as a married person, leaves the house of his mother and father or mother-in-law to live in another house as young men, which are independent families.<sup>26</sup>

The issue of legal protection and rights for children is one approach to protecting Indonesian children. In order for the protection of children's rights to be carried out regularly, orderly and responsibly, legal regulations are needed that are in line with the development of Indonesian society which are fully imbued with Pancasila and the 1945 Constitution.<sup>27</sup>

Then Article 2 of Law Number 23 of 2002 concerning Child Protection contains that the implementation of child protection is based on Pancasila and the 1945 Constitution and the basic principles of the Convention on the Rights of the Child include:<sup>28</sup>

- a). Non-discrimination.
- b). The best interests of the child.
- c). Right to life, survival and development.
- d). Respect for children's opinions.

Children's rights are regulated in Articles 4 to 18 of Law Number 23 of 2002 concerning Child Protection which include:

- a) The right to live, grow, develop, and participate, as well as to be protected from violence and discrimination.
- b) The right to a name as self-identity and citizenship status.
- c) The right to worship according to his religion.
- d) The right to obtain health services and social security.
- e) The right to education and teaching.
- f) Children with disabilities also have the right to get an extraordinary education, while for children who have advantages they also have the right to special education.
- g) The right to express and be heard.
- h) The right to rest and take advantage of free time.
- i) Children with disabilities have the right to receive rehabilitation, social assistance, and maintenance of social welfare levels.
- j) Children who are in the care of their parents/guardians are entitled to protection from the treatment of:
  - 1). Discrimination.
  - 2). Exploitation, both economic and sexual.
  - 3). Abandonment.
  - 4). Cruelty, violence and abuse.
  - 5). Injustice.
  - 6). Another mistreatment.
- k) The right to obtain protection from:
  - 1). Abuse in political activities.
  - 2). Involvement in armed conflict.
  - 3). Involvement in social unrest.
  - 4). Involvement in events that contain elements of violence.
  - 5). Involvement in war.
- l) The right to freedom in accordance with the law.
- m) Every child who is deprived of his liberty has the right to:
  - 1) Get humane treatment and placement is separated from adults.
  - 2) Obtain legal aid or other assistance effectively in every stage of the applicable legal remedies.

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<sup>26</sup> Ter Haar dalam Syafiyudin Sastrawujaya, *Beberapa Masalah Tentang Kenakalan Remaja*, PT. Karya Nusantara, Bandung, 1977, hal 18.

<sup>27</sup> Wagiaty Soetedjo dan Melani, *Hukum Pidana Anak*, Refika Aditama, Bandung, 2013, hal 49-54.

<sup>28</sup> *Ibid*, hal 130.

- 3) Defend yourself and obtain justice before an objective and impartial juvenile court in a closed trial to the public.
- n) Every child who is a victim or perpetrator of sexual violence or who is in conflict with the law has the right to confidentiality.
- o) Every child who is a victim or perpetrator of a crime has the right to get legal assistance and other assistance.

A good child does not only ask for rights, but will carry out his obligations.<sup>29</sup> Children must respect their parents, because fathers and mothers are more entitled than all humans to be respected and obeyed. For Muslims, a child is taught to be devoted, obedient and do good to his parents<sup>30</sup>

Children must respect their parents, because fathers and mothers are more entitled than all humans to be respected and obeyed. For Muslims, a child is taught to be devoted, obedient and do good to his parents

Based on the basic principles of the Convention on the Rights of the Child

- The best interests of the child
- Right to life, survival and development

Under the Child Protection Act

- The right to live, grow, develop and participate, as well as get protection from violence and discrimination
- The right to obtain health services and social security
- Right to education and teaching

The problem of covid-19 still persists, even according to Kompas news as of November 14, 2021, there were additional 339 new cases of covid, bringing the total active corona cases throughout Indonesia to 9,018. So the total number of COVID-19 cases since March 2020 to date is 4,250,855 cases, 4,098,178 cases have recovered and 143,659 people have died.<sup>31</sup>

Based on the reviews above, the author gets an answer about the current real condition for the protection of children who are abandoned by their parents, died due to exposure to COVID-19.

1. That the implementation of the protection provided by the government for children whose parents have left after 20 (twenty) months of covid-19 attacking Indonesia has not yet reached the right target. To the best of the author's knowledge, until now the government has only collected data for the sake of data collection alone, there is still not much done by the government, the assistance provided is only limited to fulfilling obligations. As reported by the Minister of Social Affairs, Mrs. Tri Rismaharini, only 6 (six) people were given social assistance to children whose parents had died due to Covid, namely from Kutai, East Kalimantan, Samarinda, Sukoharjo, Purwakarta, Bekasi, and from Muna Regency, Sulawesi. Southeast. Of course, it becomes a question for all of us, why only a few regions have received assistance for children whose parents have died, Risma's mother explained that other regions have not made reports. The explanation given like this makes no sense, even though the existing data is very clear, what, who and where it happened. What about other areas throughout Indonesia that are still not covered by government assistance, especially for the fulfillment of children's rights, of course this is very important. The fulfillment of children's rights cannot be delayed. The right to live, grow, develop and participate, as well as get protection from violence and discrimination, the right to obtain health services and social security, and the right to obtain education and teaching. To whom the government transfers the responsibility to fulfill the rights of the child. In this case, there is no official statement from the government regarding children whose parents have died due to COVID-19. These children are taken over by their families, neighbors, or other official

<sup>29</sup> M. Nasir Djamil, *Op.Cit*, hal 21.

<sup>30</sup> *Ibid*.

<sup>31</sup> <https://covid19.go.id/p/berita/data-vaksinasi-covid-19-update-14-november-2021>

institutions or anyone who wishes to do so, because the condition of these children and their survival should not be worse than the situation before they lived with their parents. In accordance with the provisions of the 1945 Constitution, Article 34 which stipulates the obligation for the State to take care of neglected children, and to ensure the survival of these children, their education, their future and their aspirations.

2. In addition to the problems above, the next problem that the author found was regarding the data on reports of children whose parents died who were exposed to Covid-19, the data is confusing so that it confuses the public. Of course, this is also a problem considering the reports that have been submitted regarding the data on children whose parents have been left behind are clearly in the Ministry of Women's Empowerment, in the Covid Task Force data, and data on other institutions, but again this becomes a problem because between from one data to another there is a significant number of disagreements, namely;

- Data collection on children aged 0-17 years whose parents died due to exposure to COVID-19 submitted by Dra. Elvi Hendriani, Assistant Department of Child Protection, Special Conditions of the Ministry of PPPA in a seminar on "Children Affected by Covid-19" stated that there were 29,056 children whose parents died due to exposure to COVID-19.
- Based on data from the Covid-19 Handling Task Force as of July 20, 2021, it is known that 11,045 children have become orphans, orphans or orphans. On the other hand, the number of children exposed to Covid-19 was 350,000 children and 777 children died
- Deputy for Special Child Protection at the Ministry of Women's Empowerment and Child Protection (PPPA) Nahar said that currently around 20,000 children have lost their parents. The number is expected to continue to grow

The significant difference in numbers, of course, invites concern among the public, why there is a difference, especially if the difference is the death rate. There are those who argue that the difference in numbers because each agency announces it on a different day and date, it affects the number of additional numbers exposed to covid. Maybe that opinion can be accepted, but if the number of differences is not too significant in a short time range, this is really not logical or irrational. Which number will be used as a benchmark for carrying out the task of protecting children in need, providing assistance to children whose parents have died, what is the number stated by Dra. Elvi Hendriani AsDep of Child Protection Special Conditions of the Ministry of PPPA, is it the number stated by the Covid-19 Handling Task Force, or is it the number stated by Nahar, Deputy of Special Child Protection, Ministry of Women's Empowerment and Child Protection (PPPA). Because these numbers affect government policies, the funds to be used, and other matters related to the interests of this matter.

3. Another issue that needs to be observed further after the children are abandoned by their parents is the children who live with their extended family, with their neighbors, as well as children who do not want to leave the house with their children and biological parents, in this condition it is necessary to ask questions is how the living conditions of the extended family are, do they also have the ability to take care of the children well, of course there will be additional expenses, costs for the needs of new members of the family, as well as neighbors who take over the role of child care In this case, it is also necessary to question the suitability of the new caregiver, as well as other things about the condition of the house and relationships in the family. However, returning to the initial problem of who and where these children receive new care, this has not yet been recorded in detail, in this case of course further research will be needed on the effectiveness of distributing social assistance as a form of government responsibility to protect children. especially children who have been left behind by parents who have been exposed to COVID-

19, which are not just small talk, promises or mere imagery. Handling the survival needs of children, good nutrition for the physical and psychological development of children is needed. Do not let these children be exposed to what is called "stunting" because the impact will be quite dangerous, for example, there will be a decrease in IQ of 10-15 points, underachievement, unproductiveness, and even intergenerational poverty.

4. Other problems that will also arise from the death of a parent who dies, for example regarding parental debt, or insurance that has been prepared by parents, or regarding pensions (retirement), inheritance and many other things which of course the children do not know about. and finish it. Of course, children should not be burdened with this problem, in accordance with the principle of protection that children should not be discriminated against, prioritizing the best interests of the child, guaranteeing the child's right to life and development, and involving children to participate in all activities related to education. .
5. In addition, efforts made by the government through the Ministry of Social Affairs of the Republic of Indonesia (Kemensos RI) are to help large families of children to overcome difficulties in raising children as has been done in several places, the Ministry of Social Affairs of the Republic of Indonesia, also provides therapeutic services through Social Assistance and Rehabilitation (ATTENSI) in the form of Physical, psychosocial and mental spiritual therapy are also given to children to overcome feelings of sadness due to the loss of a parent due to Covid-19 and revive their enthusiasm to continue their life. The question is that whether the efforts made by the government have been implemented, the answer is of course yes, but only in certain places, which means it is very unfair because most of the children whose parents have died are not touched by the help and attention of the government. The government cannot work alone in this matter, therefore the government must also cooperate with the community, child care organizations, and institutions that concentrate on dealing with children's problems. This problem is not only a social problem but also a social problem. In terms of distribution of aid when a second child or one of their parents has died, of course, the community will act first, and sometimes the distribution of aid will also be unequally distributed, to every child whose biological parents have passed away. no longer. The government is still imagining or interpreting the amount of fees that will be given to these children as planned by the government that for children who have not attended school they will get Rp. 300,000 (three hundred thousand rupiah) per month and for children who are already in school will get a donation of Rp. 200,000 (two hundred thousand rupiah) per month<sup>32</sup>. This needs to be further regulated more specifically, because as we all know that in providing social assistance for handling the covid pandemic, in reality there are many deviations, many things can be used as opportunities to commit fraud, and take advantage of the suffering of many people. In a country where there are also many rich people, but many of whom are below the poverty line, this condition is very significant, so that the handling of children's problems also needs to be considered more seriously, sometimes direct cash assistance does not solve the problem, even in certain places. instead it adds to many problems, the opportunities for corruption and collusion are wide open.
6. Another issue that must be our common concern, especially the government, is how to fulfill the most important children's rights, the author calls them vital rights, considering that these rights must be handled as soon as possible in the shortest possible time. . Of course, it is questionable how the technical handling is, because children who do not get serious attention from their caregivers, will have the potential to become children who have problems with the law (drugs, radicals, etc.) as stated by the Minister of Law and Human Rights, Mr. Yasonna H. Laoly<sup>33</sup> will have the potential to become a child who is broken home, there will be many

<sup>32</sup> <https://newssetup.kontan.co.id/news/bagi-anak-yang-kehilangan-orangtua-karena-covid-19-pemerintah-siapkan-bantuan>. Diakses 12 November 2021

<sup>33</sup> <https://dp3appkb.kalteng.go.id/puncak-peringatan-hari-anak-nasional-tahun-2021.html>

deviations in behavior, the destruction of moral values. Other problems are not after the circumstances that will be faced in the future, but also problems that have existed before. There are many behaviors that deviate from children due to lack of attention from parents, many children who seek pleasure outside the home so that they are wrong in the association. Lack of fulfillment of children's basic rights, lack of psychological support, children tend to be controlled by feelings of sadness, prolonged moodiness, so that this triggers vulnerability, trauma, violence and other deviant actions. The magnitude of the influence of social media and many other things that have the potential to make children in trouble with the law or dealing with the law.

This paper does not answer how to implement the government's attention in providing protection against the fact that thousands of children have been left behind by their parents who were exposed to COVID-19. Because there will be further research on this matter. The government has only done a few things, while the others are only in the form of planning, but at least it becomes our shared thought on how we must help the government to solve this problem so that the future of children as the nation's next generation needs to be maintained, so that they become useful children for the nation. national interest

#### **D. CONCLUSION**

That there are still many issues that must be considered by the government in the handling of providing assistance and protection to children whose parents have died due to exposure to COVID-19. That the strategy for handling COVID-19 in Indonesia needs serious attention, the strategy for community resilience, behavior change as the key to national resilience, must receive fast and targeted treatment. The safety of the nation and the state through the struggle for public health must be above all, especially for children, but do not ignore the existing legal rules. The government must have accurate data about children whose parents have died due to COVID-19 accurately so that the handling can be carried out fairly, thoroughly and evenly so as not to cause injustice, the need for special regulations on this matter, and the need to foster cooperation and coordinated, and prioritizing the vital rights of children

#### **E. RECOMMENDATIONS**

1. The government must immediately tidy up the data and digitize the data of children whose parents died due to Covid-19
2. Preparation of foster parents who meet standardized requirements to take care of children whose parents have died due to COVID-19
3. Prepare childcare institutions for efforts to care for, supervise and adopt children whose parents have died due to COVID-19
4. Conducting socialization, and cooperation with child care institutions and other social institutions..

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