

Socio-Legal Perspective of Gender Justice in Covid-19 Handling Policy in Indonesia

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Abstract: The COVID-19 pandemic is not only a global health emergency but also leads to a recession of the global economy on a large scale. This economic recession will certainly also affect women and men differently. In the handling of the COVID-19 pandemic, one of the policies of Indonesia's Government was the issuance of Government Regulation 21 of 2020 on large-scale social restrictions

to accelerate the handling of COVID-19. This policy raises a wide range of impacts on women in the context of women's positions in the family and as a working woman. Thus, gender mainstreaming in the handling of COVID-19 to realize gender justice should be a special concern, especially since women have been exposed to the vulnerability of COVID-19, as well as enduring the distinctive impact of the COVID-19 handling policy regarding social roles in families and communities.

Keywords: Legal justice, gender mainstreaming, Covid-19, ontological paradigm.

INTRODUCTION

Until now the coronavirus disease 2019 (COVID-19) pandemic in the world is still ongoing. Some countries have experienced a decrease in the epidemic curve, while others have yet to find the momentum to decrease cases. In several countries that have declared themselves able to control COVID-19 cases, it turns out COVID-19 reappeared again (Chakraborty and Maity 2020).

The widespread distribution of COVID-19 follows the pattern of human movement as the host and carrier of this coronavirus (Gondauri and Batiashvili 2020). This situation makes governments in some countries restrict the movement of their citizens. Some governments in the world implement a lockdown policy, for example in China, Spain, and Italy. Stop the full movement of its citizens (Davalgi *et al.* 2020). While some other countries' governments reduce human movement by imposing restrictions, such as South Korea setting a combination policy, and Iran imposing large-scale working hours (Dehkordi *et al.* 2020). The Government of Indonesia is one of the governments that adopted the policy to limit the second type of human movement. The Indonesian government issued a policy of large-scale social restrictions by issuing several protocol guidelines for people who are forced to still do activities outside the home (Inpres Number 4 of 2020).

Prolonged COVID-19 control efforts make the burden experienced by the community even higher, both psychological and financial burdens. Recent research carried out in the United States shows that parents of children under 18 years of age are experiencing more stress due to the coronavirus outbreak and its response. Approximately 32% of fathers reported that their mental health was worse because of the contagion compared with 57% of mothers, suggesting that mothers may be bearing a disproportionately large part of the burden (Hamel and Salganicoff 2020). The gendered consequences of the pandemic intersect with other entrenched inequalities. For example, a recent survey in the United States reports that while more than a third of women have been laid off, furloughed, or received pay cuts due to the coronavirus outbreak (Power 2020). Women are also less likely to have a financial safety net, due to greater job insecurity and lower average pay rates for women, and women are twice as likely as men to report being unable to afford necessities for more than a month if they lost their job.⁶ Based on the background description, this study is aimed at analyzing gender justice in Covid-19 Handling Policy in Indonesia.

METHODOLOGY

This research was done using a qualitative method with a socio-legal approach. Qualitative research is research aims to produce scientific writing with written or oral data from people or behavior towards the status of groups of people or humans as well as cultural groups which can be observed (Moleong 2005).

The analysis provided on gender justice in COVID-19 handling policies in Indonesia cannot be separated

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from the flow of the Feminist Legal Theory (FLT). Based on the analysis in ontology, epistemology, and methodology, the explanation is obtained that FLT is a stream of legal thought which is under the auspices of the Critical Theory et. al. paradigm. According to Guba and Lincoln, the paradigm is an 'umbrella' philosophical system that includes ontology, epistemology, and certain methodologies, each of which consists of a series of 'basic beliefs' or worldviews that cannot be exchanged (with a 'basic belief' or worldview of ontology, epistemology and other paradigm methodologies), representing a basic belief system of its users and then linking its users to a particular worldview (Guba and Lincoln 1994).

FLT is essentially a school of thought in legal philosophy that highlights laws that are considered unfair and discriminatory against women. Thus, the law here is a historical reality. In the aspect of nature as the ontology paradigm Critical Theory et. al., the law in the flow of FLT is a series of structures, as a virtual or historical reality that is the result of a long process of crystallization of political, economic, social, cultural, ethnic, gender, and religious values. This virtual legal reality is accepted as if it were true, that the existing law is fair to all people and does not take sides, even though what happened is a long process where the law is influenced by patriarchal culture, understanding gender bias, including religion, and most The dominant is the politics that determines the laws controlled by men.

This method of collecting the research data uses the literature study method. The type of data collected secondary data. The secondary data extracted are taken from the official website Information of the Government of Indonesia, website official online news website, and processed data from relevant sources.

The Formulation of Policy regarding COVID-19 Handling in Indonesia

Most countries are caught unprepared for the speed and scale of impacts from the COVID-19. Several national regulations have been produced by the government at different levels from the president to ministerial levels during January–March 2020. Table 1 (ordered chronologically) summarises the rules and regulations produced to guide national and local response in Indonesia. The table shows that most of the regulations were issued after 13 March when the President established the Task Force. One of the most important ones is the President's Directive 4/2020 specifically instructing for refocusing of development

activities, reallocation government of budget, and procurement of goods and services for a rapid and accelerated response for COVID-19.

The President Directive has major points of calling for rapid and active strategies related to budget reallocation, ensuring food security, strengthening the health sector through basic health services and national insurance scheme (BPJS) for COVID-19 patients, changes teaching delivery and cancellation of national exam of schools, strengthening local governments and local economy, reduction of taxes for selected commodities, implementation of various economic and fiscal strategies for ensuring those affected receive certain compensations (Inpres Number 4 of 2020). Some of these policy directions have been followed up at ministerial levels as can be seen in the rest of this section. Both central and local governments are working together with related stakeholders to execute the President's directives as mentioned above. It is however unclear whether we can say that the recommendations have been implemented since they have been only issued 2 weeks ago.

However, such Directive (Inpres 4/2020) was not strong enough to create national scale imperatives to rapidly end the spread of COVID19. Therefore, pressures have been made by many stakeholders. And finally, after long overdue, the President of Indonesia issued one decree and two fundamental regulations on the last day of March 2020 as this article goes to print. These regulations include: First, Regulation on National budgeting policy and the stability of budgeting system for Covid-19 pandemic disaster and/or Managing threats for the national economy and/or the stabilisation of budgeting system; Second, A declaration of community health emergency for Covid-19; Third, Big scale social restriction for accelerating COVID-19 eradication.

Gender Disposition in Indonesia Society Regarding COVID-19 Handling

Gender disposition still happens in all sectors of life and development of the nation. it is not a negligible fact despite the vast development in gender justice has been progressed (Illich 1998). The nature and level of discrimination are varied in many nations or areas. There is not any area in the developing nation where women have got an equal position under the law, social life, and economy. This gender disposition happens in the disposition and control of the resources, economy, power, and political participation as well as decision

Table 1: List of Regulations Created from February to March 2020

Date	Issuing agency	Title of regulation	Reference
4 February 2020	Ministry of Health	Declaration of Novel 2019-nCov as Disease that can cause plague and its response measures	The decision of MoH No: HK.01.07/MENKES/104/2020
28 February 2020	BNPB (National disaster management agency)	Declaration of Special Emergency Situation of COVID-19 Epidemic Disaster in Indonesia	The decision of Head of BNPB 9A/2020
13 March 2020	President of Indonesia	Task Force for Rapid Response to COVID-19	Presidential Decree (Keppres) 9/2020
14 March 2020	Ministry of Finance	Distribution of Special Grant Allocation for Infrastructure in Health Sector and Grants for Health Operation for COVID-19 response	The decision of MoF 6/KM.7/2020
16 March 2020	Ministry of Health	A network of COVID-19 Laboratories	The decision of MoH HK. 01.07/MENKES/182/2020
16 March 2020	Ministry of Finance	Distribution and the use of Shared income grant, fiscal allocation, general allocation grant, special allocation grant and regional incentives for 2020 fiscal response to COVID-19	MOF Regulation No: 19/PMK.07/2020
19 March 2020	National Police (POLRI)	Prohibition of mass gathering of group activity both in public and local environments	Kapolri Mandate No. MAK/2/III/2020
20 March 2020	President of Indonesia	Revision of Keppres on Task Force for Rapid Response to COVID-19	President Instruction (Keppres) 9/2020
20 March 2020	President of Indonesia	Refocusing of activities, fiscal allocation, and procurement of goods and services for the acceleration of COVID-19 response	President Instruction (Inpres 4/2020)
21 March 2020	Ministry of Finance	Tax incentives for Compulsory Tax Holders affected by COVID-19	Mof Regulation No: 23/PMK.03/2020
23 March 2020	Ministry of Communication and Information	Acceleration of socialization of COVID-19 Prevention at Provincial and District/City Levels	Circulated Letter SE 2/2020
24 March 2020	Village, Regional Disadvantage and Transmigration Minister	Village Response for COVID-19 and Cash for work in Villages	Circulated Letter SE 8/2020
31 March 2020	President of Indonesia	National Budgeting Policy and the Stability of Budgeting System for COVID-19 Pandemic Disaster and/or Managing Threats for National Economy and/or the Stability Budgeting System	Government Regulation in Lieu of Law No 1/2020
31 March 2020	President of Indonesia	Declaration of Community Health Emergency Situation for COVID-19	President Decree No 11/2020
31 March 2020	President of Indonesia	Big Scale Social Restriction for Accelerating COVID-19 Eradication	Government Regulation No 21/2020

Source: authors, compiled from different sources.

making everywhere. Women only become the object of development instead of the subject (Sa'idah and Khatimah 2003). This becomes the factor causing the justice of gender disposition policies.

Based on Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions in the Context of Accelerating Handling of COVID-19, the term 'Work From Home' appears. These are shown in the attitude of communities to follow the self-isolation or stay at home advice, but this policy has risks associated with gender injustice. This model views telework as a way of perpetuating the exploitation of women in terms of both paid work, and the domestic

burden of responsibility (Haddon and Silverstone 1993). From this perspective home-based work is constructed as a form of employment that leads to women being exploited, isolated socially, subject to demands from both family and employer, and subject to control by their husbands (Silver 1993). Proponents of this approach concentrate on the benefits of gender inequality to employers and see female home-based workers as an informal sector of the capitalist economy that uses exploitative practices.

Research with a total of 2,285 respondents from The National Commission for Women, dominated by woman respondents found that (Qibtiyah *et al.* 2020):

1. Women face a very unique impact because of the gender roles that are embedded in them, especially because there is still a belief that domestic work is the biggest and main responsibility that is placed on women.
2. The number of women experiencing an increase in domestic work time of more than 3 hours during COVID-19 is four times greater than for men, transponders and respondents who do not identify. This is most likely due to the additional tasks of cooking and accompanying children to study at home, which is usually done at school.
3. The policy of working from home and learning from home forces women to learn online learning technologies for their children. The COVID-19 pandemic also made the mother lose support staff, for example, domestic workers, in-laws, or other close family members, to help herself meet family food needs with adequate nutrition. As a result, 1 in 3 female respondents stated that increased domestic work had led to an increase in stress level.
4. Domestic violence continued to occur during the COVID-19 pandemic and was dominated by psychological and economic violence.

CONCLUSION

Based on the previous section, it can be concluded that:

1. In handling COVID-19 policies, a gender approach is needed from the economic, social, and political aspects through legal instruments so that in its implementation the policy can realize gender justice.
2. Policy regarding Big Scale Social Restriction for Accelerating COVID-19 Eradication under the Government Regulation Number 21 of 2020 has injustice to women.

Based on the previous section, it is necessary to have a policy from the government to address the impact of the COVID-19 pandemic. There is some suggestion to propose:

1. The Government should ensure policies related to handling the Covid-19 pandemic, including the adoption of new normal policies, include more comprehensive consideration and breakthrough

attitudes towards vulnerabilities faced by groups in society, especially women. In addition to the health aspects, these policies need to consider social, cultural, and economic aspects, technology and information, mental health and integrate prevention of violence against women.

2. Considering that women are the most affected group because the construction of household culture is a domestic task of women, it is necessary to intensify programs that change conservative and misogynist thinking towards progressive and egalitarian thinking. Besides, special support schemes for women are also needed. Economic assistance provided by the government needs to cover basic needs, as well as provide opportunities and creative work opportunities that can be done at home without having to lose work, especially those working in the informal sector.
3. The government should ensure that the provision of services is available and easily accessible to victims of violence who will file a case.
4. In addition to the above policy recommendations, the role of women's leadership is also needed in the process of handling the COVID-19 pandemic. Some countries that are considered successful in handling the COVID-19 pandemic situation have a similarity between them which is under the leadership of women.

ETHICAL CLEARANCE

This research was ethically approved by the Faculty of Law, Universitas Diponegoro, Semarang, Indonesia

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CONFLICT OF INTERESTS

There are no conflict of interests

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