

## CHILD PROTECTION AFFECTED BY THE COVID-19 IN INDONESIA: ISLAMIC PERSPECTIVE

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### Abstract

This article is a library research from textual analysis related to child protection from the perspective of Islamic regulation and Covid-19. The data analysis method is qualitative-descriptive analysis method. The description of the data is divided into several stages, namely: Islam and the Covid-19 in Indonesia, Children in Islamic point of view, National Movement for Foster Parents or Gerakan Nasional Orang Tua Asuh (GNOTA), and Child Protection Affected by the Covid-19 from Islamic Perspective. The study shows children as one of the groups who are vulnerable to get their rights lost due to the Covid-19 pandemic, such as the right to life, economy, education and others. In Islamic regulation, children's rights (ri'ayah) are contained in maqāshid sharia, namely maintaining children (hifz al-nasl). Responding to the absence of regulatory certainty in Indonesia that protects the rights of children affected by the Covid-19 pandemic, even though Islam protects children through the value of hifz al-nasl, the presence of the Gerakan Nasional Orang Tua Asuh is expected to be an alternative solution to protect children affected by the Covid-19 pandemic in Indonesia.

**Keywords:** Child Protection, Covid-19, Indonesia.

### Abstrak

*Artikel ini merupakan penelitian kepustakaan dengan sumber data penelitian bersumber dari literatur terkait perlindungan anak perspektif hukum Islam dan Covid-19. Metode analisis data yang digunakan yaitu metode analisis kualitatif-deskriptif. Deskripsi data terbagi ke dalam beberapa tahapan, yaitu: Islam dan Pandemi Covid-19 di Indonesia, Anak dalam pandangan hukum Islam, Mengenal Gerakan Nasional Orang Tua Asuh (GNOTA), dan Perlindungan Anak Terdampak Pandemi Covid-19 Perspektif Hukum Islam. Hasil penelitian ini adalah bahwa anak menjadi salah satu kelompok yang rentan terenggut hak-haknya akibat pandemi Covid-19, seperti hak hidup, ekonomi, pendidikan dan lainnya. Di dalam hukum Islam, merawat dan memenuhi hak-hak anak (ri'ayah) merupakan salah satu makna yang juga terkandung dalam maqāshid syariah, yakni menjaga keturunan (hifz al-nasl). Menyikapi belum adanya kepastian regulasi di Indonesia yang melindungi hak-hak anak terdampak pandemi Covid-19, padahal Islam melindungi anak melalui nilai hifz al-nasl, maka kehadiran Gerakan Nasional Orang Tua Asuh (GNOTA) diharapkan dapat menjadi solusi alternatif untuk melindungi anak-anak terdampak Pandemi Covid-19 di Indonesia.*

**Kata Kunci:** *Perlindungan Anak, Covid-19, Indonesia.*

## INTRODUCTION

The Covid-19 (also known as Corona virus) was declared as pandemic by WHO on March 11, 2020, because it has spread to 204 countries in the world. The Covid-19 virus attacks the respiratory system, acute pneumonia, and death. In the latest situation of the development on the global spread of the Covid-19 virus as January 22, 2022, there were 340.543.962 confirmed cases and 5.570.163 deaths. While in Indonesia, there were 4.283.453 confirmed cases, 4.122.555 recovered cases, and 144.206 deaths.<sup>1</sup>

Children are one of the most vulnerable to this virus. Based on data of July 20, 2021, there are 11.045 orphans. On the other hand, children exposed to Covid-19 reached 350.000 children, and 777 of them died.

Children are a mandate as well as a gift that Allah SWT has entrusted to parents. As a mandate of Allah SWT, children must always be guarded and protected. Every child has value, dignity, and rights as a human being. Children have the right to receive a living, both physical and spiritual, so that later the child can grow up to be a pious child.

Covid-19 seems to be a frightening especially for children. Children need the presence of both parents to grow in order to finally able to live independently. Because of the impact of Covid-19, the rights that they should get have been disrupted. As the data previously described, there are many Indonesian children whose parents died, so they became orphans.

This situation leads to academic anxiety for researchers. Children are heirs as well as portraits of the nation's future. Every

child has the right to be protected. However, there has been no certainty of regulations of solution to protect the rights of Indonesian children whose parents died due to Covid-19 until now.

This article argues that Islam has great emphasis on child protection. This is reflected in one of the values of *maqashid syariah*, namely *hifdz al-nasl*. Due to the impact of the Covid-19 pandemic on children, a program is needed to help children get the rights. So, National Movement for Foster Parents or *Gerakan Nasional Orang Tua Asuh* (GNOTA) is proposed to optimize the presence of the foster parents.

The problem that will be answered through this article is the protection of children affected by the Covid-19 pandemic in Indonesia from the perspective of Islamic regulation. This topic is interesting to study, apart from the fact that no one has researched this study more specifically, also because there has been no certainty of regulations regarding the protection of children affected by the Covid-19 pandemic in Indonesia until nowadays.

Similar to previous researches on Muhammad Zaki's research entitled "Child Protection in an Islamic Perspective"<sup>2</sup> and Dalinama Telaumbanua's research entitled "The Urgency of Establishing Covid-19 Prevention Rules in Indonesia".<sup>3</sup>

The similarity between this study and both previous studies is that all researches examine the issue of child protection and Covid-19 in Indonesia. However, the

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<sup>2</sup> Muhammad Zaki, "Child Protection in an Islamic Perspective," *Asas* 6, No: 24 (2014): 1.

<sup>3</sup> Dalinama Telaumbanua, "The Urgency of Establishing Regulations Regarding Covid-19 Prevention in Indonesia," *Qalamuna - Jurnal Pendidikan, Sosial, Dan Agama* 12, no. 1 (2020): 59.

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<sup>1</sup> "Covid-19 Development Distribution Data," 2022, [www.covid19.go.id](http://www.covid19.go.id).

novelty of this research is the incorporation of variables in both previous studies which are then studied in more depth.

This article is a library research with data from textual analysis from primary and secondary sources. The primary data sources are the Qur'an, *Hadis*, books and journals that discuss child protection in the perspective of Islam. While the secondary sources are official government agencies' data and others related to the topic of this article. The data analysis method is a qualitative-descriptive analysis method. The description of the data is divided into several stages, namely: Islam and the Covid-19 pandemic in Indonesia, Children in an Islamic perspective, Getting to Know the National Movement of Foster Parents or *Gerakan Nasional Orang Tua Asuh* (GNOTA) and Protection of Children Affected by the Covid-19 Pandemic.

## DISCUSSION

### Islam and the Covid-19 Pandemic in Indonesia

*Kamus Besar Bahasa Indonesia* (KBBI) or the main Indonesian Dictionary defines the word pandemic as a widespread that spreads simultaneously everywhere, covering a wide geographic area. Meanwhile, the World Health Organization (WHO) states that the word pandemic originally comes from the Greek word *pandemos* which means "everyone". *Pandemos* is a concept of belief that the possibility of the entire world population will be infected with a pandemic, by going through several phases, namely:

First, there is no virus circulating between animals that can cause humans to become infected. Second, there are viruses circulating among animals that can cause humans to be infected. Third, viruses of animal cause sporadic cases or infect small

groups of people. Fourth, the virus is transmitted from human to human in large numbers which causes outbreaks. Fifth, the virus is transmitted from human to human between two countries in one region. Thus, all of these phases show a global pandemic is happening.

The Covid-19 virus infects every level of society, from infants to even the elderly. This virus was first confirmed to infect humans in December 2019 in Wuhan, China. Symptoms appear initially include flu, fever, runny nose, dry cough, sore throat, illness on breath, chest pain and coughing up phlegm. However, these symptoms continue to develop along with the emergence of new variants of this virus. Various media transmit this virus such as inhaling saliva splashes from an infected person, touching the nose or mouth without washing hands, or close contact with an infected person such as shaking hands.<sup>4</sup> This virus variant continues to develop. At the end of 2021, the Indonesian government confirmed a new variant of the Covid-19 virus, namely Omicron (B.1.1.529) which belongs to the SARS-Cov-2 variant.<sup>5</sup>

The latest situation on the global spread of the Covid-19 virus as of January 22, 2022, were 340.543.962 confirmed cases and 5.570.163 deaths. While in Indonesia, there were 4.283.453 confirmed cases, 4.122.555 recovered cases, and 144.206 deaths.<sup>6</sup>

Indonesian government reduces the social mobility of the community in the various steps in order to break the transmission of the Covid-19 virus. In

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<sup>4</sup> Pane, "Coronavirus," 2020.

<sup>5</sup> "Omicron Variant Detected In Indonesia," Health Ministry of the Republic of Indonesia, 2021, sehat negeriku.kemkes.go.id.

<sup>6</sup> "Covid-19 Development Distribution Data,"

August 2021, the Indonesian government set the Enforcement of Restrictions on Community Activities (PPKM). The PPKM rules are divided into levels 1-4. Provisions regarding PPKM are contained in three Instructions of the Minister of Home Affairs (INMENDAGRI). First, Minister of Home Affairs Number 27 of 2021 is about PPKM Level 4, Level 3 and Level 2 Covid-19 in the Java and Bali regions. Second, Minister of Home Affairs Number 28 of 2021 is about PPKM Level 4 Covid-19 in Sumatra, Kalimantan, Sulawesi, Nusa Tenggara, Maluku and Papua Regions. Third, Minister of Home Affairs Number 29 of 2021 is about PPKM Level 3, Level 2 and Level 1 and optimizing the Covid-19 Handling Command Post at the Sub-District Levels to Control the Spread of Covid-19.

Controlling the spread of the Covid-19 virus is not only the responsibility of the government, but also the responsibility of all elements. It takes awareness from every community, that it is obligatory to obey health protocol standards of Covid-19.<sup>7</sup> The community can do several things in order to maintain this issue:

First, community implements *Gerakan Masyarakat Hidup Sehat* (GERMAS) or the Healthy Living Community Movement. GERMAS focuses on the practice of clean and healthy behavior. The main issue in maintaining endurance is taking enough rest, consuming balanced nutrition, regular physical exercise, and managing stress.

Second, people limit outside activities if there is no urgent condition. People avoid non-urgent travel especially travel to

countries or regions with community transmission. Third, people always maintain hand hygiene. The way to maintain hand hygiene is to diligently wash your hands with soap and running water for 40-60 seconds. In addition, you can also use hand sanitizer for at least 20-30 seconds.

Fourth, society uses masks on interacting with other people. It is also in line with the cough and sneeze etiquette. When coughing and sneezing, people try to cover it with the inside of your upper arm or a tissue. Fifth, people keep a distance from anyone at least 1-2 meters.

Sixth, people can avoid touching the face, especially the eyes, nose, and mouth. Seventh, if you experience symptoms of Covid-19, immediately check at the health facility. And eighth, you can avoid hoaxes information.

In the midst of the Covid-19 pandemic situation, the potential social phenomenon to exacerbate the handling of this pandemic is social stigma or negative associations on people who suffer from certain diseases. They are labeled, discriminated, stereotyped, treated differently, and even harassed their social status. Social stigma is one of the failure factors to control the transmission of Covid-19 and it does not increase ability to survive Covid-19.<sup>8</sup>

In order to fight social stigma against Covid-19, the myths around Covid-19 need to be clarified by share facts or accurate information from the government, and be wise in communicating.<sup>9</sup>

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<sup>8</sup> Nilam Fitriani Dai, "Society Stigma Against the Covid-19 Pandemic," 2020, 66–73.

<sup>9</sup> Nadlifah Nurul Fauziah, "Tired of Learning: Parents' Strategies in Encouraging Children to Learn During the Covid-19 Pandemic," *Golden Age* 6, no. 2 (2021): 101.

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<sup>7</sup> Issaura Dwi Selvi. Zuniarsih, Maemonah, "Love Cards: Media for Parents Implementing Clean and Healthy Life Behavior in Early Childhood During the Covid-19 Pandemic," *Golden Age* 6, no. 2 (2021): 58.

As graceful religion, Islam is always able to answer the problems well. Related to the issue of the Covid-19 pandemic, using the *qiyas* analogy, people can imitate Prophet Muhammad's way to handle the pandemic. Prophet Muhammad SAW warned to keep distance to an area of pandemic. In the pandemic area, Prophet Muhammad SAW forbade them to go out.<sup>10</sup>

This issue is stated in *Hadis* by Imam Bukhari

*"If you hear pandemic in an area, then do not come to the place. But if there is a pandemic where you are, then do not leave that place."*

Once upon a time in Prophet Muhammad era, an area was affected by a disease called *Tha'un*. *Tha'un* is a disease that infects humans and can cause death in humans. The cause is Pasterellah Pestid bacteria. So, Prophet Muhammad SAW ordered to isolate or quarantine those who were affected by the disease.

The same issue is happened to Caliph Umar bin Khattab. He was on his way to Sham, and then he received news that there had been an epidemic there. So Abdurrahman bin Auf read the *Hadis* of Prophet Muhammad about the prohibition of entering areas affected by the pandemic.

If it refers to these stories, then the current situation of the Covid-19 pandemic has similarities to the story on the Prophet Muhammad and Caliph Umar bin Khattab as the pandemic has spread to almost all countries in the world.

Based on the explanation, Indonesian government's efforts to prevent the spread

of the Covid-19 virus are in line with Islamic guidance. For this reason, it is obligatory for Muslims to obey the steps to prevent the spread of the Covid-19 virus that have been regulated by the government.

In this case, *ulama* or religious leaders play an important role in implementing the government's instruction to prevent the spread of the Covid-19 virus. *Ulama* have several advantages. Imam Baihaqi in the book *Dalalun Nubuwah* explains that the *ulama* are those who understand religious knowledge, so that they are as role models for everyday life. In short, *ulama* are close and also reliable.

*Ulama* also excel because they understand the recent issues in the society by always looking for the latest information and developments in order to be able to provide solutions to problems. Lastly, *ulama* are superior because they have *akhlauqul karimah* with integrity and can be role models for the people.

The Covid-19 pandemic has also disrupted the education sector. In this case, schools as educational institutions also really need the role of parents. Parents are required to be the main *madrassa* for children. It is related to the government regulation from the Ministry of Education and Culture, that education during the Covid-19 pandemic will be conducted online, the role of parents is very important for the learning process.<sup>11</sup>

In order to maintain the learning programs in Schools during the Covid-19, schools make regulation to help the realization process. During the pandemic, children must study from home

<sup>10</sup> Eman Supriatna, "The Corona Virus Disease Covid 19 Outbreak in Islam perspective," *SALAM; Jurnal Sosial & Budaya Syar-I* 7, No. 6, no. Covid 19 (2020): 558.

<sup>11</sup> Nurul Fauziah, "Tired of Learning: Parents' Strategies in Encouraging Children to Learn During the Covid-19."

accompanied by parents. Parents take their children's learning activities at school once a week, so they can study at home. In addition, the school also emphasizes parents to make familiarization. The role of parents in the education should be a priority. Thus, parents are the first to know the changes and development of the child's character and personality.

### Children in Islamic Regulation Perspective

Family is the main foundation of a country. The physical and spiritual welfare are reflection of family condition in the society. The foundation of good country (*baladatan tayyibatun*) is a *marhamah* society in order to build *sakinah* family. The pillars of *sakinah* family are faith, *mawaddah* and mercy.

Parents are obliged to fulfill the rights of children. These rights include the material and non-material. The presence of children is expected in family, and the family will develop and be peaceful.<sup>12</sup> According to Hamilton, quoted from Abdul Syakur, there are at least 5 (five) types of families, namely: extended family, main family, single parent family, expanded family and communal family. The principal on these types of family has several functions as a social function, academic function, educational function, protective function, religious function, effective function and recreational function.

The position and role of the child in Islam can be identified as:

First, a child is a gift or *wabbah*. The original word of *wabbah* is *wahaba* which means gift. Based on this definition, *wabbah*

has a meaning as a gift without a substitute. Child is actually a gift from Allah SWT to parents who are free for spouses. An explanation of the child's position as a gift from Allah can be found in Qs. Al-An'am [6]: 84, Qs. Al-Anbiya' [21]: 72, Qs. Al-Ankabut [29]: 27.

Second, children are entrusted. It is inseparable from the position of the child as a gift (*wabbah*), it will also appear on the position of child as a responsibility from Allah SWT to parents. In order to maintain this trust, parents are obliged to give love to children sincerely. The affection must be given proportionally. Proportional love is not excessive and does not follow all the wishes of the child.<sup>13</sup>

Third, children are the happiness of the parents' hearts (*qurrata a'yun*). Well-manner children will later be the happiness of the parents. Pious children will always bring pleasure to the parents. The term *qurrat a'yun* can be found in Qs. Al-Furqan [25]: 74.

Fourth, children are jewelry (*zīnatun*). It is called jewelry because the precious presence of children in a family which is able to complete happiness in the family. With the presence, the child is expected to be a source of solace in the bad situation. In addition, the meaning behind the position of children as jewelry is also because children and assets are a means of living life in the world. Both of the components can be possible for humans to get a higher dignity. Children as jewelry (*zīnatun*) can be found in Qs. Al-Kahf [18]: 46.

Fifth, the child is a temptation (*fitnatun*). Children can also be the subject of

<sup>12</sup> Muhammad Uthman Al-Khasyt, *Al-Masyakil Al-Zaujyah Wa Hululuba Fi Dhanil Kitabi Wa Sunnah*, ed. Aziz Salim Basyaharil (Jakarta: Gema Insani Press, 1991).

<sup>13</sup> Abdul Mustaqim, *Qur'anic Parenting Tips for Successfully Educating Children in the Qur'an way* (Yogyakarta: Lintang Books, 2019).

trials of Allah SWT in order to evaluate the obedient and rebellious people. Thus, child do not let the human beings negligent and lose. Children as *fitnatun* can be found in Qs. Al-Anfal [8]: 28.

Sixth, children are enemies (*'aduwun*). The child can also be an enemy to his parents behind the glory of the child has been displayed before. This issue can be happened when the child becomes an obstacle for his parents to do good deed. Children as *'aduwun* can be found in Qs. Al-Taghabun [64]: 14.

Basically, Islamic regulation was revealed solely for the benefit of human life in this world and in the hereafter. It is important to put human rights and interests clearly, in order to create benefit and avoid waste.<sup>14</sup>

*Maqāshid ṣyari'ah* is a principle to reveals the wisdom of the representation of a regulation. Traditional scholars divide *maqāshid* into three levels of necessity, namely necessity or *daruriyyah*, need or *hajiyah*, and completeness or *tabsiniyyah*.<sup>15</sup> *Daruriyyah* is divided into 5 (five) parts, namely: 1) religious protection or *ḥifẓ ad-dīn*, 2) protection of life or *ḥifẓ an-nafs*, 3) protection of property or *ḥifẓ al-māl*, 4) protection of mind or *ḥifẓ al-aql*, and 5) protection of children or *ḥifẓ al-nasl*.

According to contemporary scholars, *maqāshid ṣyari'ah* is divided into three groups; *al-maqāshid al-'ammah* (general *maqāshid*), *al-*

*maqāshid kbassab* (special *maqāshid*), and *al-maqāshid juz'iyah* (parsial *maqāshid*).<sup>16</sup>

General *maqāshid* can be found in all parts of Islamic regulation, such as necessity needs and other needs in classical *maqāshid* classification. In additional, it is also include new *maqāshid* namely justice, universality and convenience.

Special *maqāshid* can be found in one particular chapter of Islamic regulation as in the family regulation chapter of child welfare. It is also included *muamalah* chapter, which is preventing trade monopoly. In the chapter of criminal regulation, it also discusses on how preventing crime.

Parsial *maqāshid* aims to discuss the intention behind a certain regulation. The issue is permissible for a sick person not to do fasting. Thus, the purpose of this *maqāshid* is to relieve hardship.

*Ḥifẓ al-nasl* as maintaining offspring is guarding the lineage of children to the fathers for some people interpretation, although this is also one of the meanings. In the further examination, *ḥifẓ al-nasl* has a comprehensive meaning, for example nurturing and educating children (*ri'ayah*), maintaining the lineage of mankind (*ḥifẓ an-nasab*), and giving birth to a new generation (*injab*).<sup>17</sup>

The obligation to protect the lineage of mankind means the obligation to know identity and family, and the first known community is also closest to him. The first social relationship is bonded by blood relations, and so on through wider social communication. Knowing kinship is also

<sup>14</sup> Agus Setiawan Habib Ismail, Hasyim Asy'ari, "Inheritance Rights of the Eldest Boy in Lampung Pepadun Customary Law from a Gender Perspective (Study In Tegingeneng, Pesawaran Regency)," *Al-Hurriyah* 04, no. 01 (2019): 56.

<sup>15</sup> Jasser Auda, *Grounding Islamic Law through Maqashid Syariah, Translate. Rosidin and Ali 'Abd El Mu'in* (Bandung: Mizan, 2015).

<sup>16</sup> Jasser Auda, *Maqasid Al-Syariah As Philosophy Of Islamic Law A System Approval* (London: The International Institute Of Islamic Thought, 2007).

<sup>17</sup> Etc. Lies Marcos, *Maqashid Al-Islam: The Concept of Human Protection in Islamic Perspective* (Jakarta: Rumah Kitab, 2018).

part of human rights that must be protected. Thus, it is contained in the General Declaration of Human Rights or *Deklarasi Umum Hak Asasi Manusia* (DUHAM).

Caring for and fulfilling children's rights (*ri'ayah*) is also one of the implications in *hifẓ al-nasl*. The understanding related to *hifẓ al-nasl* is tied only to the protection of children, even though its meaning also includes the necessity to create a prosperous family. Children's rights are something that must be accepted by children and are the obligations of parents, society, government and the state to fulfill these rights.<sup>18</sup>

The rights of children in Islam consist of several issues.<sup>19</sup> First issue is the right to life. Every child's life is so precious, even since the child is still a fetus in the womb. The implication of this right in Islam is in the forms of care, protection and maintenance of the fetus (Qs. Al-Thalaq [65]: 6). The obligation to safeguard the right to life of children is also reflected in the ban on killing women and children in war. In a *Hadis* by Ibn Majah:

*"Prophet Muhammad SAW saw a woman killed (because of the war) in several ways. Therefore, he forbids the killing of women and children".*

Second, children have the right to recognize the lineage. The right to obtain recognition of the lineage is the most important thing for every child (Qs. Al-Ahzab [33]: 5). The child's attribution to the

biological father will have an impact on recognition in society. In addition, it can also create a sense of security and calm for children. Only a child who has a lineage with the father is allowed to be called by his father's name, and not someone else, even if that person is the person taking care of him or even that person is his adoptive father.

Third, children have the right to get a good name. Islam commands to give a good name to a child, because the name is a hope. In addition, the name will be attached to the child for the rest of the life and even until the Day of Judgment. In a *Hadis* by Abu Dawud :

*"Indeed, all of you on the Day of Judgment will be called by your name and the name of your father. So, make your name well!"*

Fourth, children have the right to get breastfeeding. After the child in the womb is born into the world, then the child is entitled to rights for life especially on being breastfed properly (Qs. Al-Baqarah [2]:233). When a child wants to be breastfed, then the family of the child is obliged to give it. It is like the right of alimony for an adult.

Fifth, children have the right to get attention and treatment. A child has the right to be cared for and treated with love by parents (Qs. Al-Ankabut [29]:8). In a narration from Abu Hurairah, the Prophet Muhammad SAW gave an example of how to behave towards children:

*"Aqra'bin Habis saw the Prophet Muhammad SAW kissed Hasan, and then he said: Indeed I have ten children and none of them I have ever kissed. Rasulullah SAW then said: Indeed, whoever does not love, will not be loved".*

Sixth, children have the right to earn living expenses. A child has the right to receive a living and be financed for all needs from his father. As a wife who also has the

<sup>18</sup> Eli Suryani, "Criminal Sanctions for Perpetrators of Sexual Crimes Against Children (Pedophilia) (Review of Positive Law Perspectives, Indonesia, Islamic Law, and International Human Rights)," *Al-Hurriyah* 01, no. 02 (2016): 230.

<sup>19</sup> Dahyul Daipon, "Sexual Violence in Children in Indonesia (Typology, Government Response and Islamic Law)," *Al-Hurriyah* 01, no. 02 (2016): 200-202.

right to receive a living from her husband. When the father and/or husband do not provide a living that should be received by wife and children, then wife is allowed to take part of husband's property, enough to fulfill the needs of child's life as well as the wife. As narrated in a *Hadis* by Al-Turmudzi:

*“From Aisyah, Hindun bint `Utbah said, “Abu Sufyan is a stingy man and does not provide needs that sufficient for me and my child, unless I take the money without his permission.” The Prophet then said, “Take what is sufficient for you and the needs of your child well.”*

In orphan case, if the deceased is the father of the child, the child's maintenance shall be borne by the grandfather or uncle or his adult brother. The order of maintenance is determined by the lineage of the child.<sup>20</sup>

If the orphan is the grandson, grandfather would be obliged to provide as it is the father who dies until the child grows up. It is also applied for the granddaughter. Grandfather provides the granddaughter until the child is married. Therefore, children are able to support themselves.

As for orphan toddler from daughters, the father who dies, become dependents of their father's side, for example the father's uncle and so on.

An orphan toddler brother or sister, the father who dies, is the responsibility of his adult brother. Thus, adult brother must be a guard until they are adults and able to support themselves.

Seventh, children have the right to have access to education. Children Education starts from birth, even in the mother's womb. Islam recommends the mother to read Qur'an since pregnant. The

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<sup>20</sup> Amany Lubis, *Family Resilience from an Islamic Perspective* (Jakarta: Pustaka Cendekiawan Muda, 2018).

father is also advised to immediately recite the *aẓan* in the right ear and the *iqamat* in the left ear to the newborn child. It is stated in a *Hadis* by Imam Baihaqi:

*“From Ibn `Abbas, the companions said: “We know the parental rights. So, what are the rights of the child?” The Prophet replied: “Beautify his name and improve his education”.*

In Musnad Ibn Razin, it is said that the Prophet also recited Surah Al-Ikhlās in the right ear of a newborn child.

Eighth, children have the right to be treated fairly by their parents, both for material and non-material. It is narrated in a *Hadis*:

*“The Messenger of Allah said: “Be fair to your children.”*

Children with all limitations, psychological and biological, have the same rights as adults in every aspect of life for example social, cultural, economic, political, defense and regulation. The regulation of 1945 Article 28 B paragraph 2 explicitly regulates the rights of children. This provision was continued and emphasized in Regulation Number 23 of 2002 on Child Protection.<sup>21</sup> In Article 1 number 2, it is stated that:

*“Child protection is all activities to guarantee and protect children and their rights so that they can live, grow, develop, and participate optimally in accordance with human dignity and protection from violence and discrimination.”*

### **Getting to Know the National Movement for Foster Parents or *Gerakan Nasional Orang Tua Asuh* (GNOTA)**

The National Movement for Foster Parents or *Gerakan Nasional Orang Tua Asuh* (GNOTA), commonly known as the

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<sup>21</sup> Amany Lubis.

GNOTA Foundation is a non-profit, independent and transparent social organization. GNOTA was founded on May 29, 1996. It was motivated by a movement initiated by the Indonesian at that time which aimed to take care of Indonesian children. So that, children get an equitable basic education, as a basis for later achieving their dreams and a better future.<sup>22</sup>

GNOTA has succeeded in distributing 2.3 million aid packages and donations to help children who come from underprivileged families. Thus, children can complete their education.

Foster parents or GNOTA contributors have a main role in helping provide access to education for children, in the form of shoes, books, school uniforms, school bags and various other needs. The simple role is often overlooked but has a very big impact so that children can complete their education.

Good financial and ability will not be enough to change society for the better. In order to be able to embrace the children, Indonesia need mutual solidarity to achieve a common goal. GNOTA aims to invite and at the same time embrace local and national organizations to cooperate, and to lobby the legislative. Thus, GNOTA achieve the vision to focus on the equalization of education for Indonesian children.

Foster parents can help Indonesian children by simply providing Rp. 250.000, 00 per year for elementary school children and Rp. 300.000,00 per year for Junior High School children. In conclusion, it is very likely that foster parents can create a better future for Indonesian children.

<sup>22</sup> GNOTA, "About GNOTA," 2022, www.gn-ota.or.id.

## Protection of Children Affected by the Covid-19 in Islamic Perspectives

Indonesian Covid-19 Handling Task Force released data on July 20, 2021, there are 11.045 orphans. On the other hand, the number of children exposed to Covid-19 reached 350.000 children and 777 of them died. The level of risk of children is very high for exposure to Covid-19.<sup>23</sup>

Based on a statement from the Ministry of Social Affairs of the Republic of Indonesia, the government is in the stage of registering children who have lost their parents due to the Covid-19 pandemic. There are no specific programs available to protect children who have lost their parents. The support is limited to the Social Rehabilitation Assistance (ATENSI) program which includes the fulfillment of children's basic needs, such as assistance with medicines, vitamins, swab/PCR tests, vaccinations and other basic needs of children. The Ministry of Social Affairs also helps families of children to overcome difficulties in parenting. A special program to protect these children is currently being planned in 2022.

Child protection is emphasized in one of *maqāshid al-Islam*, namely *ḥifẓ al-nasl*. The forms of *ḥifẓ al-nasl* are giving birth to a new generation (*injab*), maintaining nasab (*ḥifẓ al-nasab*), and nurturing and educating children (*ri'ayah*).<sup>24</sup>

The fulfillment of child protection can be realized if the child gets what should be his rights: a. the right to life (Qs. Al-Thalaq

<sup>23</sup> Public Relations Bureau of the Ministry of Social Affairs, "Protection of Children who Lost Parents Due to Covid-19," Ministry of Social Affairs of the Republic of Indonesia, 2021.

<sup>24</sup> Lies Marcos, *Maqashid Al-Islam: The Concept of Human Protection in an Islamic Perspective*.

[65]: 6), b. the right to obtain nasab recognition (Qs. Al-Ahzab [33]: 5), c. the right to get a good name, d. the right to breastfeed, e. the right to obtain care and treatment (Qs. Al-Baqarah [2]: 233), f) the right to earn a living in material or non-material, g) the right to receive education, and h) right to get the fair treatment.

During the social restriction policy to prevent the transmission of the Covid-19 pandemic, children are susceptible to easily feel worried, annoyed, confused or sad, because children have the instinct to explore their world with their friends.

Families can protect children during the Covid-19 pandemic by taking care and teaching children to live clean, doing activities with children at home, accompanying children to learn from home, creating an environment that will make children feel comfortable, establishing intense communication with children, become role models for children, guide and motivate children. Thus, it is also important for parents to maintain religious values.<sup>25</sup>

Ensuring that children get all their rights is not only the responsibility of the family, but also the responsibility of the nation and state. Moreover, orphans who have lost their parents due to the Covid-19 pandemic are the main priority.

The responsibility of maintenance of an orphan is based on the order of the lineage of the child. If no one in the family element of the child is responsible for protecting the child, then the obligation to protect the child is the responsibility of the whole community, both individuals (by

becoming foster parents) and groups (Non-Governmental Organizations/NGOs). Lastly, the state is obliged to protect every basic rights of its people as mandated by the constitution, especially the protection of children because children are the future of the nation.

According to the state, child protection is divided into two parts, namely: juridical child protection, such as in the fields of public and civil regulation. Non-juridical child protection consists of social, health and education fields.<sup>26</sup> In juridical child protection, children's rights are protected through various provisions of regulation, such as the 1945 Constitution, Regulation No. 1/1974 on Marriage, Regulation No. 4/1979 on Child Welfare, Regulation No. Number 39 of 1999 on Human Rights, and Regulation Number 23 of 2002 on Child Protection.

The 1945 Constitution as a highest regulation in the hierarchy of the legal system in Indonesia, emphasizes that the state guarantees that every Indonesian child is protected. In Article 28 B paragraph (2), it is emphasized that:

*“Every child has the right to survive, grow and develop and has the right to protection from violence and discrimination”.*

Indonesia as part of the world community has a commitment to guarantee the protection of the rights of every child which is part of human rights, including the right to life, the right to survival, the right to growth and development. It is also included the right to participate optimally in accordance with human dignity, and protected from various types of violence as

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<sup>25</sup> Euis Kurniati et al., "Analysis of the Role of Parents in Accompanying Children in the Abstract Period," *Journal of Obsession : Journal of Early Childhood Education* 5, no. 1 (2021): 241 – 56.

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<sup>26</sup> Rini Fitriani, "The Role of Child Protection Organizers in Protecting and Fulfilling Children's Rights" 11, no. 2 (2016): 250–58.

well as discrimination for the sake of realizing Indonesian children who are prosperous, qualified and protected. The protection of children's rights is also emphasized in Article 28 D paragraph (1), that:

*"Everyone has the right to get recognition, guarantee, protection and fair legal certainty and equal treatment in the law".*<sup>27</sup>

Non-judicial protection of children is also very important to be equal by all Indonesian children such as in the fields of social, health, and children's education. Moreover, the main focus at this time is the 11.045 orphans due to their parents who died exposed to Covid-19. In the reality today, these children have not received protection for their rights. This issue is reflected by the statement of Social Affairs Ministry of the Republic of Indonesia on a special program that will protect these children. It is still being planned and will be realized in 2022.<sup>28</sup>

So, are we going to be silent, waiting for the future children of this nation to be doubted about the rights they should receive? So as fellow citizens, we should protect the rights of these children. Especially for Muslims, where it is emphasized that children also have rights that must be fulfilled in order to become pious, children are priceless "treasures" (Qs. Al-Furqan [25]: 74).

National Movement for Foster Parents (GNOTA) is a movement to help fulfill children's rights that anyone in this country can participate. GNOTA is a non-

profit, independent, and transparent social organization. This is an initiative movement from the community to ensure that Indonesian children get protection for their basic rights as a basis for achieving a better future.

Anyone can register in GNOTA as a foster parent of one child, and through donations on GNOTA, there will be at least one child whose life will be helped. The GNOTA program is expected to be the best alternative to protect the rights of Indonesian children today.

Apart from going through GNOTA in the sense of a foundation, Indonesian people can also carry out foster parent movements on personal or other agency initiatives. Members of the Sidoarjo Police are the foster parents of 99 orphans from victims of Covid-19. Quoted from Media Indonesia:

*"Kusumo Wahyu Bintoro as the head of Sidoarjo Police said that the position of foster parents were aimed at easing the burden on orphan due to Covid-19. Not only receiving material assistance, these children are also accompanied by the learning process and daily life."*<sup>29</sup>

Islam appreciates human values to help each other in goodness.<sup>30</sup> Ulama as the role models for Muslims are also expected to be a leader to ask people to participate in being part of GNOTA. Thus, one of the values of *maqāshid syariah*, *ḥifẓ al-nasl*, can be comprehended. Indonesian children can be a new generation (*injab*) who will bring

<sup>27</sup> Tedy Sudrajat, "Law Protection Towards Children as a Part of Human Rights in the Perspective If the Indonesian Family Law," *Kanun Jurnal Ilmu Hukum* 54 (2011): 112.

<sup>28</sup> Social, "Protection of Children Who Lost Parents Due to Covid-19,"

<sup>29</sup> Heri Susetyo, "The members of Sidoarjo Police Become Foster Parents of 99 Orphans Victims of Covid-19," Media Indonesia, 2021, www.mediaindonesia.com.

<sup>30</sup> Rizqa Febry Ayu, "Reformation of Islamic Family Law in Indonesia: The Nusyuz Resolution Process," *Al-Hurriyah* 6, no. 2 (2021): 194.

Indonesia into a good country (*baladatum tayyibatun*).

## CONCLUSION

The family is the main foundation of a country. The physical and spiritual well-being is a reflection of the family situation in the midst of society. The existence of children is a dream in a family, with which the family will develop and be peaceful. Many children are orphans as the impact of the Covid-19 pandemic. Children are vulnerable to lose the human rights, such as the right to life, economy, education and others. In Islamic regulation, fulfilling the rights of children (*ri'ayah*) is one of the significances in *maqāshid syariah* as protecting the children (*ḥifẓ al-nasl*). In order to response to the absence of regulatory certainty in Indonesia that protects children affected by the Covid-19 pandemic, the presence of the National Foster Parents Movement (GNOTA) is expected to be an alternative solution to protect children affected by the Covid-19 pandemic in Indonesia.

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