



## The Challenges to Violence Againsts Women during Covid 19 Pandemic in Asia: An Analysis

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### ABSTRACT

The Corona Virus Disease 2019 (COVID-19) outbreak has affected almost all sectors of society around the world, specifically in Asia. Governments from various countries work hard to prevent and mitigate the spread of the virus by enacting many measures, such as reducing social and/or physical contact in public, quarantine, also lockdown. While these measures have been effective enough in dealing with the spread, there are other adverse effects. Not only the economy but the sociopsychology of people is also affected as the violence against women has increased. As the report by the UN Women, COVID-19 cases continue to overwhelm health services to the point that shelters and helplines have exceeded their capacity, support services for women experiencing violence during the pandemic have become more invisible. The paper uses a normative legal research methodology in which sources are obtained from secondary data. By using a comprehensive review of literature from both academic and media sources, this paper is written to aware public and shows that there is a great need for the attention of society in relation to responding to violence against women during the pandemic.



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## Introduction

In December 2019, it was first reported that the Coronavirus, which is also known as COVID-19, began to spread in Wuhan, Hubei Province in Mainland China. A few days later, the public health in Wuhan confirmed that five patients were treated at a local hospital because their bodies were identified as having acute respiratory distress syndrome (ARDS). The incident occurred within 10 days, counting from December 18 to 29, 2019. The surprising news is within 3 days there have been new reports, which are 44 new patients were also exposed to the same virus from December 31, 2019, to January 3, 2020. Then, the epidemic spread and engulfed many countries across the world. After further research was carried out by the World Health Organization (WHO), the COVID-19 was declared as a health emergency event worldwide and has become a concern (Muhafidin, 2021).

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After a while, researchers began to obtain and identify the genetic code of the virus, namely a new type of coronavirus, which they confirmed on January 10, 2020 (Handayani et al., 2020). Therefore, since January 11, 2020, the WHO announced that the virus that was currently spreading in Wuhan city is called the Coronavirus Disease caused by the ARDs virus. Meanwhile, on January 30, 2020, the WHO finally declared a “public health emergency of international concern”, which was indicated by 74,675 confirmed cases, with 21,121 deaths in China, and 1,072 confirmed cases with 8 deaths outside China. Not long after, several reports came into Health Care services in Wuhan from Hubei province, and more reports came from outside the province, in less than 30 days the virus has spread throughout China (Golechha, 2020).

Since the WHO announced the recent name for the virus, based on the incoming central data, there have been 44,730 confirmed and 16,067 suspected COVID-19 cases reported in China with 4,742 cured and 1,114 deaths by midnight of February 11, 2020. On March 11, 2020, about two months after such declaration, the outbreak of the virus was officially declared as a global pandemic which then posed a major threat to humanity, and caused serious challenges to health organizations, social scientists, and medical professionals. Hereinafter, due to the public health risks, countries across the world-imposed health emergencies (Gong et al., 2020).

Since the emergence of these funding issues, both the local and central Chinese Governments have continued to stop and handle these cases. One of the examples, taken by the Wuhan Municipal Government which decided to close the seafood market where at the time some experts argued that it was the place where the virus originally came from. Nonetheless, the Wuhan Municipal Government regretting their decision which only closed the seafood market, they argued that it would be better if they also isolated some people who had physical contact with the patients and anyone who visited the market.

Apart from that, the timing of the COVID-19 outbreak prior to the Chinese Lunar holiday has become the main factor for the Government of China to consider how to respond to the outbreak. The Lunar holiday in China is the biggest celebration every year for all of the citizens there. This moment is used by the public to reunite with their families. People whose lives wander will come home to gather together to celebrate the anniversary of the big day. Due to this reason, the Government hesitated to enforce some policies, such as a lockdown. Therefore, it is also considered as an indirect factor causing the acceleration of the spread of the existing virus. It is proven by the increasing data, because most people are mobile and also use public transportation such as buses, planes, and trains, and not only that but it can also be ascertained that during this incident the community carried out activities close together as when they were gathering with their families (Wu & McGoogan, 2020).

On the face of the outcomes, the vulnerability of women during the COVID-19 induced lockdown becomes an even more important phenomenon to capture. Given the high prevalence of causes related to domestic violence in which most of the victims are women, governments of every country shall give greater concern on such issues. The governments must be able to provide adequate protection and care for victims and survivors of violence against women during and post the pandemic. Although many countries have adopted

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and/or revised regulations and policies regarding violence against women, it seems that these efforts are still not sufficient, especially with the various challenges that exist due to the pandemic. Therefore, there is an urgent need for a better study and understanding of overcoming violence against women during and post the COVID-19 pandemic (Haq et al., 2020).

Most of the outcry about domestic violence during a pandemic is based on preliminary data collection by UN Women, the number of calls to hotlines, or articles in the news. Such data indicates what quantitative and qualitative evidence there is so far to show that Violence Against Women (VAW) is on the rise in Asia. Given the difficulties of detecting consistently, data collecting on the issue of VAW is increased during a pandemic. (UN ESCAP, 2020) On such grounds, the paper highlights five countries i.e., Indonesia, Malaysia, India, Saudi Arabia, and China as the representatives from each region on the Asian continent. The first three countries are used due to their situation that is considered vulnerable and most exposed to the virus while the others have the most potential to spread the virus due to the high level of population mobilization.

Based on the contextual and legal analysis conducted on the basis of reliable information, the paper is expected to provide other information about the increase in cases of violence against women during the COVID-19 pandemic. Such issue hope will become a topic of discussion for society and increase public awareness of the importance of legal protection and assistance to protect victims and/or survivors of violence against women. Not only domestic but also international society, which is expected to raise awareness on the urgency of overcoming the adversity of violence against women. The research question in the paper is how to overcome the challenges in regard to violence against women during the COVID-19 pandemic in Asia?

## **Methodology**

The research is a normative legal study with the statutory approach applied since several regulations and conventions related to the discussed topic was mentioned. Furthermore, secondary data is used in the study, which included primary, secondary, and tertiary legal materials. The data used are collected from the literature study by looking, studying, and analyzing research materials from related sources (such as conventions, legislation, law books, journal articles, and others).

## **Results and Discussion**

### **The Impacts of Pandemic on Violence against Women**

On February 11, 2020, the WHO officially declared a novel virus, namely the Coronavirus Disease 2019 (COVID-19). Indonesia is one of the countries outside China which has continued to experience an increase in facing COVID-19 cases since March. From January to February 2020, the situation in Indonesia was still very normal, even in a few months, the mass media reported there was zero infection in Indonesia although at that time various reports had shown that Indonesia's neighboring countries had reported at least one infection (Djalante et al., 2020). Then suddenly on March 2, 2020, two Indonesian citizens

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were stated positive for COVID-19 after being in contact with an infected Japanese national. The day after President Joko Widodo announced a mother and a daughter had tested positive, lots of people in the capital and other cities experienced “panic buying” of food and medical supplies. It shows that the condition of Indonesia at that time was not ready to accept the reality that happened due to the virus (Kurniawan, 2020).

Meanwhile, the Government and all health workers, together with the authorities, are trying to help each other, both in terms of finance, for instance by giving some funds to hospitals to fulfill health workers’ needs and provide proper services for the patients; and campaign, such as promulgating the obligatory to wear a mask and wash hands constantly or any other activities that need to be taken so that can hinder the rate of the spread. Unfortunately, time is ticking, and the virus is spreading more and more throughout the country. It is hard to believe that a year has passed, but the positive COVID19 cases and death rates are increasing day by day. Collected data from the Indonesian Government by June 23, 2021, there was an addition of 15,308 new cases of Covid-19. Thus, the total number of cases from March 2, 2020, until June 23, 2021, has reached 2,033,421 (AlQutob et al., 2020).

As a country considered to have vulnerable health like Indonesia, India had 62,632 confirmed active cases on March 27 although the country's pandemic curve was flattened from January to February. Even worse, the number of dead patients due to COVID-19 had reached more than 150,000 which made the country to be the second highest number of infections in the world after China (AlQutob et al., 2020; Thiagarajan, 2021). The situation then got worsened since lockdown had become a difficult measure for the poorer sections of society due to India's health inequalities, widening economic and social disparities, and diverse cultural values (Golechha, 2020).

There were two mass events reported in India during the lockdown period. The first was a mass exodus of laborers to their respective Indian states, while the second was a religious event that took place in New Delhi (Roesch et al., 2020). The spread of misinformation fueled by fear, stigma, and blame is one threat to India's COVID-19 response. There has been an increase in violence against healthcare workers, as well as stigmatization of people who have or are suspected of having COVID-19, which may make it difficult to report illness (Yang et al., 2020).

Further, the United Emirates Arab (UEA) got their first case reported on January 23, 2020. Based on the data released by the UEA Government, the first case that occurred was due to the arrival of a Chinese citizen for vacation. As has been done by other countries, the UEA Government has taken several measures to deal with the situation of the pandemic, such as travel bans, lockdowns, closures of schools and universities, quarantines, and strict social distancing. Such measures were taken since the beginning of the pandemic spreading in the UAE, due to the lack of public health intervention to the society and also the role of vaccines that have not been effective yet. Nevertheless, based on the data from the official website of the UAE Coronavirus Updates, it is stated that there are 19,442 active cases as of June 25, 2021. It is in line with the efforts by the Government to vaccinate 100 citizens per day.

The bad situation in the health sector in various countries, it creates various other impacts, including the political sector and the development of the country. Numerous government

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programs and agendas were postponed or canceled since all concerns, manpower, and funds were diverted to prevent and deal with COVID-19. Other than that, the economic cycle has also stalled as a result of the pandemic. Many companies and factories went into crisis and even went bankrupt due to the shortage of incomes and lack of demands. Such a situation caused many employees to be laid off. Besides that, the education sector was also disrupted. At the beginning of the pandemic, many educational institutions stopped the teaching and learning activities and dismissed their students. Over time, schools and other academic institutions started to rerun by implementing an online learning system although a lot of people argue that such a system is considered to be ineffective.

Furthermore, crises in many sectors as mentioned above that emerged as a result of the COVID-19 pandemic additionally brought a socio-psychological impact on many people, which of course could threaten the stability and security of both developed and developing countries across the world. With the spread of the virus that changes regulations and policies in carrying out any activity; social disorder, social chaos, social disorganization, and social problems, such as an increase in domestic violence cases, social insecurity, hunger, reverse migration in some regions, and violence against medical professionals, occur and continue to increase among people worldwide. Consequently, there is a huge threat concerning social security and public services. Marginalized and poor sections of society, such as migrant workers, street vendors, and daily wage laborers, have been at increased risk, including that of suicide, violence, and many other issues (Malla & War, 2020).

The COVID-19 has brought even greater challenges on issues related to human rights. The implementation of the lockdown policy which is considered sufficient to prevent the spread of the virus, on the other hand, has triggered a spike in other issues, such as domestic violence, particularly on women. The instability of family resilience due to various factors has led to a large spike in domestic violence. Changes in workloads and patterns of care at home during the pandemic, the decline in the family economy which results in an imbalance between expenditure and income and having children studying at home which has added to the burden on homemakers increased stress levels on many families which later became the factors that triggered domestic (Muhafidin, 2021). The lockdown policy which required people to stay at and work from home as well as implement social distancing, has decreased the autonomy of women, especially in patriarchal homes which then increased the occurrence of violence against women around the world (Haq et al., 2020).

Violence against women itself is a complex social issue, and the understanding of how to address it is changing over time. Both directly and indirectly, violence against women is linked to immediate and long-term negative health outcomes for women and children (Walden, 2002). All acts of gender-based behavior that are likely to cause psychological, sexual, or psychological harm or suffering to women, or causes coercion or arbitrary deprivation of liberty, whether occurring in public or private life, are considered violence against women (Benebo et al., 2018).

The impact of the COVID-19 pandemic in the economic sector will also have a long-term impact on the capacity of women organizations in providing services for violence against

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women and girls (VAWG), as well as service provision to victims and/or survivors of such violence (UN ESCAP, 2020). International organizations, researchers, and the mainstream media have expressed concern about evidence of increasing domestic violence, where the home often becomes a place of fear and abuse, based on previous situations of social distancing and the sudden increase in reports of violence in the context of the pandemic (Marques et al., 2020; UN Regional Issue-Based Coalition for Gender Justice and Equality, 2020).

During the pandemic, 243 million women and girls around the world have been victims of sexual and physical violence perpetrated by intimate partners. Multiple emerging evidence of the global COVID-19 pandemic in the form of domestic violence against women are highlighted in the UN reports. A surge in Gender-based Violence (GBV) has also occurred. Women are trapped at home with their abusers due to lockdowns and restricted movement. According to the United Nations Fund for Population Activities (UNFPA) study released in April, six months of lockdown could result in 31 million additional cases of gender-based violence, with 15 million more cases every three months if the lockdown is maintained (UNFPA, 2021).

The COVID-19 was first detected in Asia. Consequently, several Asian countries were among the first to be infected. In an effort to cease the spread of the virus, China, Pakistan, and India all imposed abrupt lockdowns (Aly et al., 2020). In China, violence against women has been widely recognized as a serious social issue. A police department in Jianli County, Hubei Province, China, reported a threefold increase in domestic violence against women cases in February 2020 compared to February 2019, with 90 percent of the cases being linked to the COVID-19 pandemic (Roesch et al., 2020).

Malaysia had the highest increase (70%) from October 2019 to September 2020. Then followed by Nepal (47%), Thailand (29%), and Singapore (29%). Nepal, one of the South Asian countries, faced an increased risk of violence against women and children due to the influx of thousands of jobless migrant workers from abroad and within the country. (Dahal et al., 2020) As of July 2020, there were over 222,000 COVID-19 cases in ASEAN countries, with Indonesia having the most cases with over 89,000. Despite slowing rates of new cases in countries such as Brunei, Thailand, and Vietnam, the outbreak is still continuous, with Indonesia and the Philippines reporting over a thousand cases per day (Nanthini & Nair, 2020).

Furthermore, several other studies have found that the requirements of self-quarantine during the pandemic have contributed to an increase in violence against women and girls, often as a result of confinement with abusive family members and caregivers, as well as reduced access to domestic violence and health services, with disproportionate effects on women and girls "facing multiple forms of discrimination (Bailey et al., 2021). In most cases, domestic violence against women has occurred during the pandemic because the abusers know it is difficult to reach out to the police and the victims face difficulties to seek some help since they are stuck at home with the abusers. People have been unable to leave their homes, resulting in an increase in conflicts, which has resulted in an increase in male aggression and abuse of women. There are more possibilities for women to be abused, and there are fewer opportunities for someone to intervene and protect them.

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Domestic violence against women requires the careful combination of legal measures (e.g., arrest of perpetrators, barring orders, safety orders), societal reactions (e.g., bystander responses, advocacy services, shelters), and increased awareness in frontline community services, such as healthcare care, where victims may present with physical or psychological trauma, sexually transmitted infections, or neglected diseases (Aldila et al., 2020). Victimized women may experience physical, sexual, reproductive, and psychological issues, including anxiety, depression, and even attempted suicide (Yusmad, 2020). Therefore, it is important to raise awareness of the importance of preventing and stopping violence against women, especially during the pandemic when victims lack access to requests for assistance.

### **The Role of International Law and Local Governments**

Although women have long experienced and criticized rape, wife abuse, and the like, it was not until the mid-1970s that activists began using the term "violence against women" in international discussions. (Weldon, 2006) Throughout such time, violence against women was firmly on the agenda of the women's movement. In 1975, such an issue was raised at the First World Conference on Women in Mexico City. At the Conference, three objectives were identified in relation to equality, peace, and development for the decade i.e., eliminating discrimination of gender, extending women integration and participation in development, and increasing women contribution in strengthening world peace. The Conference urged Governments to draw up strategies, targets, and priorities within their national policies. Then, the International Research and Training Institute for the Advancement of Women (INSTRAW) was established upon the recommendation of the Conference. It followed with the establishment of the United Nations Development Fund for Women (UNIFEM) in 1976.

In 1979, the General Assembly of the United Nations stipulated the Convention on the Elimination of All Forms of Discrimination against Women, which was entered into force as an international treaty in 1981. Ten years after its stipulation, nearly a hundred countries have agreed to be bound under the Convention. The spirit of the Convention is rooted within the goals set by the United Nations, namely, to reaffirm faith in fundamental human rights, in the dignity, and worth of the human person, in the equal rights of men and women. Therefore, it can be said that the Convention has an important role in bringing the human rights of women into the focus. Furthermore, in accordance with the provisions under Articles 17 to 30 of the Convention, the Committee on the Elimination of Discrimination against Women (CEDAW) was established in order to monitor the implementation of the Convention. The Committee consists of 23 experts who have great morals and capabilities in the areas covered by the Convention. They are nominated by their government and elected by the States Parties.

Hereinafter, the Committee made various recommendations regarding matters affecting women so that the States Parties would give more attention to these matters. For instance, the Committee requested information from all States regarding violence against women in the 1989 session due to the high incidence on such a matter. Subsequently, the Committee adopted General Recommendation No. 19 regarding violence against women. In addition,

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the Committee also discussed the obligations of States Parties to enact, implement, and monitor laws to deal with violence against women in their work under the Optional Protocol. (UN Women, 2012)

In the latest years, the General Assembly of the United Nations has brought up violence against women into their concern by adopting numerous resolutions either in general, specific forms, or manifestations of such violence, including customary practices that may affect the health of women and also domestic violence against women. The General Assembly has routinely recommended the States Parties to strengthen their national legal frameworks. For instance, Resolution 61/143 of 19 December 2006 on the intensification of efforts to eliminate all forms of violence against women emphasizes the need to criminalize all forms of violence against women and urges States to amend or revoke all provisions under their legal frameworks that may discriminate or have a discriminatory effect on women and ensure that such provisions comply with the international human rights law.

Afterward, Resolution 71/170 of 19 December 2016 on the same topic recognizes that domestic violence, which is the most common and least visible form of violence against women, remains widespread and affects women around the world. Furthermore, many factors such as shame, stigma, and fear of negative economic consequences prevent many women from leaving abusive relationships, reporting or acting as witnesses, and seeking redress and justice. Thus, the General Assembly recalls States to eliminate all form of violence against women which is still under recognized and underreported not only by criminalizing violence against women but also by providing for the prosecution of perpetrators, including protection and preventive measures and access as well as providing just and effective remedies for victims and survivors.

In the recent period, the COVID-19 pandemic that occurred from December 2019 until now has become a multidimensional crisis for the entire world. Problems that were initially only in the health sector subsequently expanded to other sectors such as education, politics, economics, and even crimes and human rights. As the duration of staying at home increases due to lockdowns and quarantines imposed by Governments to limit and prevent the spread of the virus, a surge in violence against women has occurred as many factors as possible that trigger such violence are compounded by the preventive confinement measures.

Since the beginning of the pandemic, the UN Women has urged the Governments and the international society to prioritize prevention, accentuate and adapt services related to violence against women, and enhance various efforts to increase public awareness of such violence. In April 2020, the United Nations Secretary-General urged all governments to make the prevention and redress of violence against women a key part of their national response plans for COVID-19. (UN Regional Issue-Based Coalition for Gender Justice and Equality, 2020) Furthermore, the Secretary-General has also launched a GBV political engagement strategy to urge governments to prioritize and increase funding for the essential services for women's organizations, prevent such violence through national zero-tolerance policies and social mobilization campaigns, adapt services to the COVID-19 context, and collect data for the improvement of services and programs related to the GBV.



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In response, Governments began instituting hotlines and other remote services. For instance, the Indonesian Ministry of Women Empowerment and Child Protection set up call service for 'Sahabat Perempuan dan Anak' 129 as a complaint service for women and children who experienced violence. The Ministry also provided 'Layanan Psikologi Sehat Jiwa' which can be accessed via hotline 119 to help family members affected by their mental health due to the pandemic. Similar measures are also conducted by most countries of the Arab Region. A hotline focusing on sexual and reproductive health services was established jointly with UN agencies and the Ministry of Health in Oman. (UN Regional Issue-Based Coalition for Gender Justice and Equality, 2020) With the hotline, women at the same time may also get psychological support. Meanwhile, India launched an application, the 'Stand Up Against Violence' which lists contact details of State and non-State agencies, service providers, and activists who can assist women victims of domestic abuse. (UN ESCAP, 2020)

However, such services cannot be considered as "essential" in preventing an adequate response to the surge in Violence Against Women during the Pandemic. Although such services have been designed and adapted to the current situation where the mobility of people is limited, they pose additional challenges. One of the great challenges is that there are still many women who do not have access to using mobile phones, the internet, or other digital devices to access the available services, especially for those who live in rural areas. In some cases, they cannot afford an internet connection and/or do not know how to access the services. Moreover, many providers are also struggling since they are not trained to provide such services.

While remote services have eased some of the adversities imposed by lockdown and physical distancing policies, Governments still need to provide more responses to overcome violence against women and ensure the accessibility of services related to such violence. Measures in the social services, health services, policing, and justice services sectors, as well as coordination and governance, must be more highly developed and institutionalized to better ensure service delivery. (UN Regional Issue-Based Coalition for Gender Justice and Equality, 2020) These measures shall also appear to be a crucial service and part of future emergency plans. Besides that, multi-sectoral communication and organization are also the keys to ensuring a survivor-oriented approach.

The lack of participation and the limited number of non-governmental organizations in dealing with the eradication of violence against women is also one of the reasons why such violence keeps occurring continuously. Governments must realize that the strength and power that they have are limited. Therefore, public participation is indeed needed. By collaborating with institutions that are dealing with such violence, Government will be able to create complementary social networks so that they can provide better services. In addition, developing and enforcing protocols related to such violence as well as the means to connect victims and/or survivors to the services they need are also critical measures to do. For instance, reaching out to survivors directly and accompanying them to the police station and/or court to ensure their safety in a means that complies with the policies and restrictions that apply during the pandemic.

## Conclusion

COVID-19 pandemic is a global problem for all countries around the world, especially in Asia. Apart of the health sector that is highlighted and most concerned by everyone, there is another issue that we all shall take into account, namely violence against women. Due to limited mobility caused by physical distancing, quarantine, and lockdown which are imposed as an obligation for everyone in order to prevent the spread of the virus, and many other factors, victims and/or survivors of violence against women are facing a major problem since it is harder for them to reach out help, especially for those who live in the same building with the perpetrators. The challenges are greater for many Asian countries that mostly struggle in the health and economy sector. Therefore, critical measures are needed to handle such issues. Not only by the government, but also by non-government organizations, private sectors, and all people worldwide.

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