

# *The Human Rights Framework for Covid-19 Pandemic Recovery: A Sustainable Development Goals Insights*

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## Abstract

The 2030 Agenda for Sustainable Development Goals (SDGs) contributes to realizing economic, social, and cultural rights. However, the progress of these goals now faces a significant setback due to the impact of the COVID-19 pandemic, especially in Indonesia. This article discusses the effect of the social restriction policy, which results in setbacks in several goals that have further implications for fulfilling the rights to employment and social security. Also, this article elaborates on the role of the human rights approach in recovery efforts that the state must undertake due to the pandemic's impact. The data in this research were collected through various legal literature and documentation. By using the Maastricht Guidelines and the International Covenant on Economic, Social, and Cultural Rights as the theoretical framework, it can be concluded that the impact of the COVID-19 pandemic has caused setbacks in some of the realizations of the SDGs, particularly in economic, social, and cultural rights. These setbacks must be anticipated with recovery policies such as social security reform and data collection system improvement. Recovery efforts must be implemented promptly in a measured strategy to prevent the more fatal setbacks that lead to human rights violations.

**Keywords:** COVID-19, Human rights, SDGs



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## I. INTRODUCTION

Most of the Sustainable Development Goals (SDGs) targeted in 2030 are related to fulfilling human rights, specifically economic, social, and cultural rights. More than 90 percent of the *goals* and targets are related to fulfilling human rights, making them seem like two sides of the same coin.<sup>2</sup> The fulfillment of human rights will be easier to implement if the SDGs agenda can be achieved, and vice versa.

Since March 30, 2021, the Government of Indonesia has declared a public health emergency due to *Coronavirus Disease 2019* (COVID-19).<sup>3</sup> High-speed transmission and high death rates required policies to limit public mobility to suppress the spread of the virus. It has caused massive disruption to the fulfillment, protection, and respect for human rights and the achievement of the SDGs built since 2015. President Joko Widodo, in his remarks at Indonesia's SDGs Annual Conference 2020, stated, "*The pandemic has resulted in a health and economic crisis, which has exacerbated the achievement of our SDGs.*"<sup>4</sup> The National Commission on Human Rights of the Republic of Indonesia (Komnas HAM) stated that the relationship between the SDGs and Human Rights during the COVID-19 pandemic around the world impacted increasing poverty and inequality globally, making SDGs even more urgent.<sup>5</sup>

The impact of the pandemic is not only felt in the health sector but also various economic sectors. One of them is employment. The unemployment rate has increased in line with the ongoing pandemic conditions. Not only about losing a job during the pandemic, cutting or not giving wages to workers or laborers further reduces the right to decent work.<sup>6</sup> The condition of the economic crisis due to the high unemployment rate and the sluggish global and national economy has caused the poverty level to increase. Therefore, the country has taken the initiative to implement various social protection programs for the poor and vulnerable.

*Special Rapporteur on extreme poverty and human rights*, Olivier De Schutter, stated that many countries' existing social security schemes still exclude vulnerable groups and are only short-term oriented.<sup>7</sup> As the interdependence principle in the concept of human

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<sup>2</sup> Sarah Rattray, 'Human Rights and the SDGs - Two Sides of the Same Coin', UNDP, 2019, <https://www.undp.org/blogs/human-rights-and-sdgs-two-sides-same-coin>.

<sup>3</sup> Keputusan Presiden Republik Indonesia Nomor 11 Tahun 2020

<sup>4</sup> Cantika Adinda Putri, 'Jokowi: Pandemi Covid-19 Perburuk Capaian SDGs Indonesia', CNBC Indonesia, 2020, <https://www.cnbcindonesia.com/news/20201217111048-4-209724/jokowi-pandemi-covid-19-perburuk-capaian-sdgs-indonesia>.

<sup>5</sup> Komnas HAM, 'Komnas HAM Kawal Capaian SDGs Pada Masa Pandemi COVID-19', 2020, <https://www.komnasham.go.id/index.php/news/2020/12/23/1635/komnas-ham-kawal-capaian-sdgs-pada-masa-pandemi-covid-19.html>.

<sup>6</sup> Komnas HAM, 'Buruh Terdampak COVID-19, Komnas HAM: Pemerintah Harus Cepat Dan Tepat', 2020, <https://www.komnasham.go.id/index.php/news/2020/4/23/1362/buruh-terdampak-covid-19-komnas-ham-pemerintah-harus-cepat-dan-tepat.html>.

<sup>7</sup> Olivier De Schutter, 'COVID-19: UN Poverty Expert Says Social Protection Measures "Full of Holes", Urges Global Rethink', OHCHR, 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26222&LangID=E>.

rights, fulfilling the right to social security plays a vital role in fulfilling other human rights, such as health, education, and housing. In addition, the idea of inclusive social security will also help achieve several SDG targets, which fall into poverty alleviation, health, decent work, and economic growth.

By observing the impact of the COVID-19 pandemic on the SDGs achievement and the progress of the fulfillment of human rights, this article analyzed the scope of the COVID-19 pandemic condition to formulate recommendations for steps that the government required to take to involve the human rights perspective in the recovery policy that the Government of Indonesia is echoing. Therefore, this article began by answering two research problems: 1) How does the social restriction or mobility policy impact achieving the SDGs and the right to social security and decent work? 2) What is the role of the human rights approach in efforts to recover from the impact of the COVID-19 pandemic in achieving the SDGs?

This article used a normative analysis through an approach to laws and regulations and human rights instruments at the national and international levels to answer the two research problems above—normative research aimed to analyze the relationship between legal norms to produce explanations in answering empirical conditions.<sup>8</sup> The data and facts in this research were collected through literature research and documentation of various legal kinds of literature.

## II. DISCOURSE OF HUMAN RIGHTS AND PROTECTING THE WORKERS

The issue of worker protection has become one of the main focuses in the global response to the COVID-19 pandemic<sup>9</sup>. The spread of this virus has had a significant impact on economic stability and employment around the world. Many countries have implemented worker protection policies covering various aspects to overcome this challenge. Some of them are the payment of wage subsidies, temporary unemployment, flexible work arrangements, and the provision of social assistance to workers. In addition, efforts are made to protect workers' rights, including health and safety at work, social security, and participation in making decisions regarding their working conditions.

Governments and companies worldwide are trying to respond by providing support to workers; complex challenges such as economic uncertainty and inequality still need to be overcome for worker protection to be effective and inclusive in the face of the evolving challenges of the pandemic. However, these efforts are not enough to address the broad impact of the pandemic on workers' conditions. In many cases, long-

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<sup>8</sup> Peter Mahmud Marzuki, *Penelitian Hukum Edisi Revisi* (Jakarta: Kencana Prenada Media Group, 2017).

<sup>9</sup> YEN, Nguyen Thi Hong; THUY, Tran Thi Thu. Ensuring the Rights of Vietnamese Migrant Workers in the Context of the Covid - 19 Pandemic. *Journal of Contemporary Sociological Issues*, [S.l.], v. 2, n. 1, p. 40-58, feb. 2022. ISSN 2775-2895. Available at: <<https://jurnal.unej.ac.id/index.php/JCSI/article/view/27916>>. Date accessed: 29 aug. 2023. doi: <https://doi.org/10.19184/csi.v2i1.27916>.

term solutions still need to be sought to address this crisis while prioritizing the health and safety of workers.

The conditions of workers in the era of the COVID-19 pandemic are very complex and varied. Workers are experiencing drastic changes in their work routines by shifting to remote working models or facing increased safety protocols in physical workplaces. The alternative of working from home, significantly reducing the risk of transmitting the virus, is a strategy to ensure economic turnover<sup>10</sup>. Despite the flexibility in working hours, workers feel isolated and find it difficult to separate work and personal life as the lines between them become blurred. Sociologically, what happened emphasized the fragility of the working class, which is a fundamental part of global economic circulation.

In the COVID-19 pandemic, workers lost their jobs or income, with the most significant impact on informal, contract workers and the hospitality and tourism sector. Frontline workers, such as healthcare workers and delivery workers, face high risks of exposure to the virus while working around the clock to keep society going. Mental health has also become a severe issue due to economic pressures, health concerns, and drastic lifestyle changes. Efforts from governments and companies to provide support, the pandemic has exposed inequalities in social and economic protection, driving the need for inclusive solutions to ensure better conditions for all employment levels.

Researchers agree that the COVID-19 pandemic has raised various problems in global economic stability, shaking the foundations of the world economy<sup>11</sup>. Countries worldwide are facing a decline in economic activity, a collapse in financial markets, and a rising unemployment rate. An example is the case of Italy, which became one of the initial epicenters of the pandemic<sup>12</sup>. Business closures and restrictions on mobility led to a significant economic contraction, with the tourism sector and manufacturing industries being hit hard. Something similar happened in the United States, where a mass lockdown resulted in large-scale job losses and created significant uncertainty regarding the economic recovery<sup>13</sup>. This instability shows how the global pandemic has affected

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<sup>10</sup> Lina Vyas & Nantapong Butakhieo (2021) The impact of working from home during COVID-19 on work and life domains: an exploratory study on Hong Kong, *Policy Design and Practice*, 4:1, 59-76, DOI: 10.1080/25741292.2020.1863560; Qu J, Yan J. Working from home vs working from office in terms of job performance during the COVID-19 pandemic crisis: evidence from China. *Asia Pacific Journal of Human Resources*. 2022 Sep 5:10.1111/1744-7941.12353. doi: 10.1111/1744-7941.12353. PMID: PMC9538110.

<sup>11</sup> Song, L., & Zhou, Y. (2020). The COVID-19 Pandemic and Its Impact on the Global Economy: What Does It Take to Turn Crisis into Opportunity? *China & World Economy*, 28(4), 1-25. <https://doi.org/10.1111/cwe.12349>; Van der Wielen, W., & Barrios, S. (2021). Economic sentiment during the COVID pandemic: Evidence from search behaviour in the EU. *Journal of Economics and Business*, 115, 105970. <https://doi.org/10.1016/j.jeconbus.2020.105970>.

<sup>12</sup> Felice, C., Di Tanna, G.L., Zanus, G. et al. Impact of COVID-19 Outbreak on Healthcare Workers in Italy: Results from a National E-Survey. *J Community Health* 45, 675-683 (2020). <https://doi.org/10.1007/s10900-020-00845-5>; Mansueto, G., Lopes, F. L., Grassi, L., & Cosci, F. (2021). Impact of COVID-19 outbreak on Italian healthcare workers versus general population: Results from an online survey. *Clinical Psychology & Psychotherapy*, 28(6), 1334-1345. <https://doi.org/10.1002/cpp.2644>

<sup>13</sup> Apostolopoulos, N., Liargovas, P., Rodousakis, N., & Soklis, G. (2022). COVID-19 in US Economy: Structural Analysis and Policy Proposals. *Sustainability*, 14(13), 7925. MDPI AG. Retrieved from <http://dx.doi.org/10.3390/su14137925>

economic stability and presents a profound challenge in rebuilding the foundations of a solid and inclusive economy.

Many countries have responded with particular protection policies for workers in the medical sector, as entities that deal directly with the spread of the virus and as an essential element in starting the transition to normality in everyday life. The government has ensured adequate personal protective equipment (PPE) availability and distribution to safeguard their health and safety, including N95 masks, gloves, protective clothing, and goggles. In addition, medical workers are given priority in vaccination programs to protect them from the risk of infection. Medical problems and their workers become a point of concern between economic problems and their intersection with health politics, both of which are a fundamental part of ensuring the running of sustainable development programs.

Providing additional accommodation facilities for medical workers who wish to keep their distance from their families becomes a solution for supporting them. In addition to the physical aspect, attention is also paid to the mental health of medical workers through additional support and training programs. Schedule flexibility is also essential to help them balance the increased demands of work and personal life. This protection policy reflects efforts to provide proper appreciation and protection to frontline heroes struggling with this pandemic.

Several states provide additional wages to medical workers who work directly with COVID-19 patients in the United States. In addition, an accelerated vaccination program for health workers and mental health support and counseling services are provided to help them cope with the high emotional burden. Meanwhile, in New Zealand, medical workers are a high priority for vaccination, and their protection program is enhanced by providing adequate PPE and special training in handling COVID-19<sup>14</sup>. Scandinavian countries such as Norway and Sweden also provide additional wages and accommodation facilities for medical workers exposed to high risks<sup>15</sup>.

France, Italy, and Spain have also recognized the sacrifices of medical workers by awarding them awards and recognition from the wider community. Like medical workers in developed countries, Singapore provides additional financial incentives for medical workers working in high-risk conditions and provides mental support through counseling and psychological support services. India provides medical workers with additional health insurance, financial incentives, and accommodation facilities<sup>16</sup>. While these measures may vary from country to country, many governments worldwide have

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<sup>14</sup> Fearnley, C. (2022). New Zealand: A Trade-Led Economic Recovery. In: Wang, H., Miao, L. (eds) *China and the World in a Changing Context*. China and Globalization. Springer, Singapore. [https://doi.org/10.1007/978-981-16-8086-1\\_15](https://doi.org/10.1007/978-981-16-8086-1_15)

<sup>15</sup> Ifan FB, Minetti R, Telford B, Ahmed FS, Syed AY, Hollon N, Brauman SC, Cunningham W, Awad ME, Saleh KJ, Waljee AK, Brusselaers N. Coronavirus pandemic in the Nordic countries: Health policy and economy trade-off. *J Glob Health*. 2022 Aug 8;12:05017. doi: 10.7189/jogh.12.05017. PMID: 35932219; PMCID: PMC9356530.

<sup>16</sup> Dhar R, Jee B, Karmakar S. Balancing Healthcare and Economy Amidst the COVID-19 Pandemic: An Indian Experience. *Risk Manag Healthc Policy*. 2021 Feb 26;14:827-833. doi: 10.2147/RMHP.S291084. PMID: 33664604; PMCID: PMC7924119.

made efforts to provide the necessary support and protection for medical workers working hard to protect public health during the pandemic.

The government articulates the fundamental function of distributing social security in providing a safe work environment and protection for medical workers. Although some hospitals and health institutions provide psychological support services, there are still challenges in dealing with the high emotional burden and stress they face in treating COVID-19 patients. In this regard, the role of international health organizations in providing guidance and resources to address the mental health problems of medical workers can be further expanded and refined. They recognize that society is essential in providing medical workers with moral support and recognition. There is still a lack of public awareness and understanding of medical workers' challenges and their impact on their well-being. Therefore, education efforts and broader public campaigns must be increased to ensure medical issues can run according to sustainable economic growth needs.

Meanwhile, professional organizations and trade unions also fight for rights and better working conditions for medical workers. However, the challenge of balancing professional struggles and the immediate demands of dealing with a pandemic is noteworthy. In essence, there are still challenges that must be overcome in meeting the needs of medical workers during a pandemic. Cross-sectoral support from governments, health institutions, international organizations, communities, and professional organizations is needed to address this complex issue and ensure proper welfare and protection for medical workers.

Again, balancing health issues and economic needs during the pandemic requires a holistic approach that considers aspects of people's welfare and economic stability. The primary effort is to control the transmission of the virus by implementing measures such as movement restrictions and mass vaccinations. Additionally, encouraging flexibility in work models, such as working from home, can help maintain productivity while reducing the risk of transmission.

The economic turn must be carried out in stages based on epidemiological data to encourage a constructive social transition while creating space for participation. In particular, with the implementation of strict safety protocols in the workplace. Economic diversification and collaboration between government and business are also needed to create new opportunities and maintain jobs. Transparent communication about the steps taken by the government is vital in reducing confusion and anxiety in the community. By combining these steps, countries can work to strike the right balance between protecting public health and maintaining economic stability.

The international cooperation framework recommends ensuring workers' rights and running economic growth as a work plan for achieving sustainable development goals. Through the exchange of information and learning between countries, cooperation enables the sharing of experiences and best practices in dealing with the impact of the pandemic on the economy and sustainable development. In addition, global

collaboration facilitates financial and technical support with countries that can better assist the more vulnerable.

International organizations also play a role in providing financial assistance and loans to restore affected economies. The focus on sustainable trade and investment is also sought to accelerate economic recovery<sup>17</sup>. Technology and innovation collaboration supports the development of new solutions, including vaccines and medical technologies. Even though challenges such as differences in interests and views between countries still exist, diplomacy and active dialogue are essential to overcome these obstacles. Overall, international cooperation is a strong foundation for ensuring the sustainable development agenda remains a global priority, even in a complex pandemic.

Critically, seeing unwanted actions is the key to surviving a pandemic. In the context of the COVID-19 pandemic, international cooperation has the potential to sustain the sustainable development agenda and cannot be seen as a uniform template. This complex reality presents significant problems in overcoming inequality between countries. The inequality of economic and technological resources among countries can lead to differences in the ability to provide financial and technical support. In this regard, ensuring equitable support worldwide will involve substantial challenges.

Differences in interests and priorities are also a troubling factor. Countries with diverse economic dynamics may have different goals in dealing with the pandemic. While countries that are dependent on exports may prioritize trade sustainability, countries that are more focused on protecting the health of their people may have a different approach. This imbalance can slow down the process of effective agreement and cooperation. Furthermore, limited access to technology and information resources emerged as a critical issue. Countries with limited access may struggle to participate in technology-oriented international cooperation. These technological structures can widen gaps in access to vaccines, medical technology, and essential health information.

The complex geopolitical situation also hinders practical international cooperation. Competition and conflict among major powers can collectively cloud efforts to tackle the pandemic. Debates over resources, vaccine distribution, and the broader political agenda can hinder an efficient global response.

Although there are international agencies that seek to facilitate cooperation, limitations in their capacity and influence are often the obstacle. The role and impact of politics in decision-making within the framework of this cooperation also cannot be ignored. While international cooperation has significant potential in safeguarding the sustainable development agenda, understanding the issues must be realistic and rigorous. It is crucial to overcome the differences and difficulties that arise and find solutions that can reduce imbalances and inequalities between countries in the face of a pandemic that demands global cooperation.

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<sup>17</sup> Debre, M. J., & Dijkstra, H. (2021). COVID-19 and Policy Responses by International Organizations: Crisis of Liberal International Order or Window of Opportunity? *Global Policy*, 12(4), 443-454. <https://doi.org/10.1111/1758-5899.12975>

The economic inequality exposed during the COVID-19 pandemic provided an opportunity for constructive steps to fulfill human rights. Despite the crisis, awareness of the devastating effects of economic inequality can encourage the international community to take more assertive action to ensure that human rights remain a priority. The pandemic underlined the importance of equitable access to essential health services, driving efforts to ensure everyone receives the same medical protection and vaccinations.

The pandemic has exposed the uncertainty faced by low-income workers, strengthening the push to uphold workers' rights to decent working conditions and social protection. In considering vulnerable groups, this pandemic shows the urgency of fulfilling their fundamental rights and avoiding discrimination. Efforts to overcome food shortages and hunger can also be focused on ensuring adequate food availability as a fundamental right. In this way, the economic inequalities exposed during the pandemic can inspire constructive steps towards fulfilling human rights, ensuring that recovery and sustainable development go hand in hand with human values.

Implementing constructive steps to fulfill human rights in the face of economic inequality exacerbated by the pandemic can occur through concrete examples. First, global cooperation in distributing the COVID-19 vaccine through initiatives such as COVAX demonstrates efforts to provide equitable access to health protection, prioritizing the right to health. Second, countries can strengthen workers' protections by enforcing standards of decent working conditions, such as fair wages and social security, which promote fulfilling workers' rights. Third, cash social assistance programs targeted at vulnerable groups can help reduce economic inequality and ensure access to basic needs, supporting the right to welfare. Fourth, investment in education and training provides opportunities for marginalized groups to acquire necessary skills, activating the right to economic opportunity. Fifth, cross-sectoral partnerships between the government, civil society organizations, and the private sector can produce comprehensive solutions to overcome inequality problems and mobilize potential and shared resources in fulfilling human rights. Economic inequality can be overcome through these steps, making fulfilling human rights a solid foundation for sustainable development.

Emphasizing the Sustainable Development Goals as a discourse on Human Rights in the pandemic era can provide a decisive view of the importance of involving social, economic, and environmental dimensions in ensuring the fulfillment of human rights during a global crisis. This perspective can be done through a holistic approach that balances individual protection and sustainable development. In this way, the SDGs become a solid framework to guide efforts to safeguard and fulfill human rights during and after the pandemic.

Amid a challenging pandemic era, we have the opportunity to embrace a deep human spirit. By understanding that everyone has the same right to live a healthy, educated, and prosperous life, we can direct our attention to fulfilling human rights. With cross-sectoral partnerships, we can forge collaborations that overcome barriers



and enable better access to technology, information, and resources. When we focus on the most vulnerable groups, we translate our commitment to humanity into action.

This pandemic reminds us that individual well-being is inseparable from the sustainability of our planet, with the principles of Sustainable Development Goals. In overcoming economic inequality, we can build a system prioritizing equitable access to health and education services involving all levels of society. Thus, recommendations to create a fair and safe work environment, empowering workers from diverse backgrounds, can embody universal human rights values while advancing sustainable development goals that positively impact many people and our planet.

### III. THE RIGHT TO WORK AND THE RIGHT TO SOCIAL SECURITY IN THE SDGS

The 2030 SDGs agenda recognizes its relevance to the fulfillment of human rights and specifically recognizes the importance of the Universal Declaration of Human Rights, the Declaration on the Right to Development, and other international human rights instruments as part of the guidelines and principles of implementing the agenda.<sup>18</sup> Moreover, many of the indicators and targets contained in the SDGs had a shared vision with the fulfillment of economic, social, and cultural rights. On the other hand, the SDGs agenda can act as an operational plan for realizing human rights and norms, which can help ensure accountability in implementing the SDGs.<sup>19</sup>

Article 9 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR)<sup>20</sup> states that the country parties to the covenant recognize the right of everyone to social security, including social insurance. The social security measure in question cannot be interpreted in a narrow sense but guarantees a minimum enjoyment of human rights for everyone.<sup>21</sup> The social security system can be a way for the state to fulfill its human rights responsibilities, especially for people in poverty and vulnerability. Social security is essential in fulfilling other economic, social, and cultural rights, especially for vulnerable groups, such as the right to a decent standard of living, food, health, housing, and education.<sup>22</sup> However, realizing these other rights does not necessarily replace the obligation to provide social security schemes.<sup>23</sup>

The fulfillment of the right to social security can be found in SDGs 1.3, namely the national application of appropriate social protection systems and measures for all, including the poorest groups, and by 2030, achieve substantial coverage for the poor and

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<sup>18</sup> United Nations, 'Transforming Our World: The 2030 Agenda for Sustainable Development (A/RES/70/1)', 2015.

<sup>19</sup> The Danish Institute for Human Rights, *Human Rights and the 2030 Agenda for Sustainable Development: Lessons Learned and Next Steps* (Copenhagen: The Danish Institute for Human Rights, 2018).

<sup>20</sup> Telah diratifikasi melalui Undang-Undang Nomor 11 tahun 2005 tentang Pengesahan International Covenant on Economic, Social and Cultural Rights (Kovenan Internasional Tentang Hak-hak Ekonomi, Sosial Dan Budaya).

<sup>21</sup> CESCR, 'General Comment No.19, E/C.12/GC/19, The Right to Social Security (Art. 9)', 2007.

<sup>22</sup> Magdalena Sepúlveda and Carly Nyst, *The Human Rights Approach to Social Protection, Ministry for Foreign Affairs of Finland* (Ministry for Foreign Affairs of Finland, 2012).

<sup>23</sup> Sepúlveda and Nyst.

vulnerable groups.<sup>24</sup> Furthermore, the social protection system in SDGs 1.3 includes contribution and non-contribution schemes for children, pregnant women, active age, elderly, victims of workplace accidents, and persons with disabilities. Social security provides at least the basic needs according to each life cycle stage.<sup>25</sup> The right to social security is also related to SDG 3.8, which focuses on achieving universal health coverage, including financial risk insurance, access to essential health facilities/services, and safe, adequate, quality, and affordable medicines and treatments.<sup>26</sup> SDGs 1.3 and 3.8 explicitly target expanding access for everyone without discrimination to social security, including guaranteed access to health services. The SDGs agenda has made an essential contribution to the concretization of the right to health and social security because it expressly obliges the international community to apply the basic concept of social protection and ensure universal health protection.<sup>27</sup>

Through Article 6 of the ICESCR, fulfilling the right to work is vital for realizing other human rights. It becomes an inseparable and inherent part of human dignity.<sup>28</sup> As with other rights, the state has three obligations in realizing the right to work: respect, fulfillment, and protection.<sup>29</sup> In fulfillment, the state must implement legislative, administrative, budgetary, judicial, and other measures to ensure the total fulfillment of rights. Fulfilling the right to work in the SDGs agenda relates explicitly to Goal 8: "Promoted sustained, inclusive, and sustainable economic growth, full and productive employment and decent work for all."<sup>30</sup> Some SDG indicators can be helpful as instruments to promote accountability in fulfilling the right to work. These indicators include informal employment data collection (8.3.1); average hourly earnings (8.5.1); unemployment (8.5.2); youth who do not have access to education/training and child labor (8.6.1); frequency of work accidents (8.8.1); and total government spending on social security (8.b.1).<sup>31</sup>

#### IV. THE IMPACT OF THE PANDEMIC ON THE FULFILLMENT OF HUMAN RIGHTS IN INDONESIA

During the health emergency due to COVID-19, the Government of Indonesia has implemented several policies such as Large-Scale Social Restrictions (LSSR or PSBB), PSBB Transition, Adaptation of New Habits or New Normal, and Community Activities Restrictions Enforcement (CARE or PPKM). This series of policies are enforced in

<sup>24</sup> United Nations, 'Transforming Our World: The 2030 Agenda for Sustainable Development (A/RES/70/1)'.

<sup>25</sup> United Nations, 'SDG Indicator Metadata', 2021.

<sup>26</sup> United Nations, 'Transforming Our World: The 2030 Agenda for Sustainable Development (A/RES/70/1)'.

<sup>27</sup> Markus Kaltenborn, 'The Human Rights Framework for Establishing Social Protection Floors and Achieving Universal Health Coverage', in *Sustainable Development Goals and Human Rights*, ed. Markus Kaltenborn, Markus Krajewski, and Heike Kuhn (Springer Nature Switzerland AG, 2019), 30–47, [https://doi.org/10.1007/978-3-030-30469-0\\_3](https://doi.org/10.1007/978-3-030-30469-0_3).

<sup>28</sup> CESCR, 'General Comment No.18, E/C.12/GC/18, The Right to Work (Art.6)', 2006.

<sup>29</sup> CESCR.

<sup>30</sup> United Nations, 'Transforming Our World: The 2030 Agenda for Sustainable Development (A/RES/70/1)'.

<sup>31</sup> Diane F. Frey, 'Economic Growth, Full Employment and Decent Work: The Means and Ends in SDG 8', *International Journal of Human Rights* 21, no. 8 (2017): 1164–84, <https://doi.org/10.1080/13642987.2017.1348709>.

certain situations to suppress the spread of the virus. One of them is through restrictions on mobility and the prevention of crowds. One of the things regulated is limiting the number of people at work, places of worship, tourist sites, shopping centers, and other public places.

Social restrictions/community mobility impact the weakening of the Indonesian economic sector. Indonesia's economy in the fourth quarter of 2020, compared to the fourth quarter of 2019, experienced a growth contraction of 2.19 percent (*y-on-y*).<sup>32</sup> A decrease followed this decline in economic growth in household and government consumption expenditure. This condition shows the sluggish state economy due to the pandemic storm that hit Indonesia in various sectors.

The most visible impact of the COVID-19 pandemic on the employment sector is the increasing number of workers who have lost their jobs in formal and informal sectors. The COVID-19 pandemic has forced many companies to reduce production activities or close their businesses permanently or temporarily. As a result, companies are forced to use cost-efficiency measures, including worker wages, to maintain business continuity. Termination of Employment (PHK), cuts in salaries/wages, leave without pay, and others have become rampant during the pandemic. According to BPS (*Central Bureau of Statistics*), in February 2021, the number of working people decreased by 2.23 million, and the unemployment rate increased by 1.82 million compared to February 2020.<sup>33</sup> The large number of people who have lost their jobs due to the pandemic has become a natural phenomenon, resulting in a setback in efforts to fulfill the right to work. In a survey conducted by BPS, of 87,379 respondents, 2.52 percent were laid off, 18.34 percent were temporarily laid off, and 22.74 percent did not work.<sup>34</sup>

As part of the indicators for achieving SDGs 8 (indicator 8.3.1. (a)), the percentage of workers working in the formal sector is one of the achievement targets. Residents who work in informal activities, including self-employed workers, trying to be assisted by temporary/unpaid workers, casual workers, and family or unpaid workers, generally do not have social security and clear work agreements. In February 2021, the percentage of Indonesian formal workers reached 40.38 percent, lower than in February 2020, which reached 43.46 percent.<sup>35</sup>

In the context of the right to work, the definition of work used in international human rights instruments is decent work, which respects fundamental human rights in job security and remuneration.<sup>36</sup> One element that determines eligibility is the availability of decent wages for workers. Indicator 8.5.1 has the same spirit to be a benchmark in measuring the fulfillment of the right to work. As an approach, BPS data in August 2020 revealed that the average monthly wage, salary, or net income of workers

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<sup>32</sup> Badan Pusat Statistik, 'Berita Resmi Statistik No.13/02/Th. XXIV: Pertumbuhan Ekonomi Indonesia Triwulan IV-2020' (Jakarta, 2021).

<sup>33</sup> Badan Pusat Statistik, 'Buletin Resmi Statistik Keadaan Ketenagakerjaan Indonesia Februari 2021' 19, no. 37 (2021).

<sup>34</sup> Ali Said et al., *Hasil Survei Sosial Demografi Dampak COVID-19* (Jakarta: Badan Pusat Statistik, 2020).

<sup>35</sup> Badan Pusat Statistik, 'Buletin Resmi Statistik Keadaan Ketenagakerjaan Indonesia Februari 2021'.

<sup>36</sup> CESCR, 'General Comment No.18, E/C.12/GC/18, The Right to Work (Art.6)', para. 7.

in Indonesia reached 2.45 million rupiahs. It decreased compared to August 2019, which reached 2.63 million rupiahs.<sup>37</sup>

Regarding achieving target 8.8 on the protection of labor rights, the COVID-19 pandemic has caused workers, especially factory workers, to face a high risk of contracting the virus. During the emergency PPKM period, which was held on 3-20 July 2021, many workers or laborers in the textile, garment, shoe, and leather manufacturing sectors were forced to work with 100 percent presence of workers.<sup>38</sup> The rise of layoffs due to the pandemic has also led to several cases of non-payment of severance pay for laid-off workers, even though the existing laws and regulations require this. Based on a survey conducted by the LIPI (Research Center for Population), the Demographic Institute of the Universitas Indonesia, and the Research and Development Agency of the Ministry of Manpower of the Republic of Indonesia on 1,112 workers, of the 15.6 percent of workers affected by layoffs, 13.8 percent did not receive severance pay.<sup>39</sup> Non-payment of severance pay for workers is a form of violation of applicable legal regulations and also a deprivation of labor rights.

An unequal relationship between workers/laborers and companies causes frequent violations of workers' rights. The COVID-19 pandemic has further widened the power gap. Based on data from The National Commission on Human Rights (Komnas HAM) in 2020, complaints about the right to decent work reached 143 cases. The party that was most complained was the company with 52 cases. The most common complaints were related to the unilateral payment of wages and layoffs.<sup>40</sup> It could indicate a setback in fulfilling the right to decent work and the rights of workers or laborers carried out by the corporation. In the context of business and human rights, corporations have a responsibility to respect human rights, which refer to internationally recognized rights, including the framework of the International Labor Organization's Declaration on Fundamental Principles and Rights at Work.<sup>41</sup>

The pandemic has become a nightmare for many workers or laborers in various industrial sectors. The loss of income during the pandemic has left many workers vulnerable to poverty. It needs to be anticipated by the government to prevent an increase in the poverty rate. A direct life support policy or an adequate social security system can protect workers in a difficult economic situation. The enjoyment of people's rights to health, food, education, and other social and economic rights is not reduced.

Implementing the right to social security plays a vital role in ensuring the fulfillment of community rights when faced with various obstacles to fulfill these rights.<sup>42</sup> The government at least issued several programs called the Social Safety Net (JPS), which assist people experiencing poverty in meeting their daily basic needs,

<sup>37</sup> Badan Pusat Statistik, *Keadaan Pekerja Di Indonesia Agustus 2020* (Jakarta: Badan Pusat Statistik, 2020).

<sup>38</sup> Mohammad Bernie, 'Nestapa Buruh: Terus Dipaksa Kerja Kala COVID-19 Kian Menggila', *Tirto*, 2021, <https://tirto.id/nestapa-buruh-terus-dipaksa-kerja-kala-covid-19-kian-menggila-ghT5>.

<sup>39</sup> Ruth Meliana Ngadi and Yanti Astrelina Purba, 'Dampak Pandemi COVID-19 Terhadap PHK Dan Pendapatan Pekerja Di Indonesia', *Jurnal Kependudukan Indonesia*, 28 July 2020, 43, <https://doi.org/10.14203/jki.v0i0.576>.

<sup>40</sup> Komnas HAM, *Laporan Pengaduan Hak Atas Pekerjaan* (2021).

<sup>41</sup> OHCHR, *Guiding Principles on Business and Human Rights*, 2011.

<sup>42</sup> CESCR, 'General Comment No.19, E/C.12/GC/19, The Right to Social Security (Art. 9)'.

especially during a health emergency. Based on its implementation, JPS is a *non-contributory scheme* that targets the poor groups listed in the Integrated Social Welfare Data and additional data on vulnerable low-income families owned by each local government.

The government initiated at least eight programs during the pandemic, namely Pre-Employment Cards, Family Hope Program (Program Keluarga Harapan or PKH), Basic Food Cards, Social Cash Transfer (Bantuan Sosial Tunai or BST), Basic Food Assistance for Jabodetabek, Village Fund BLT, Electricity Tax Exemption or Deductions, and Wage Subsidies. Two of the eight programs are regular programs running before the pandemic: PKH and Sembako (basic food) Cards. The government claims the JPS program is a step to create national stability, overcome poverty, and create jobs.<sup>43</sup> The government has realized the entire JPS program during 2020 in IDR 220.39 trillion from the total ceiling of IDR 230.1 trillion.<sup>44</sup> Some programs such as wage subsidies, BST, and pre-employment cards, as well as regular programs, namely PKH and basic food cards, will then be continued until 2021 following the implementation of the PPKM period, which is a limitation on population activity and mobility due to the high number of COVID-19 cases.

As with its initial function, the JPS is expected to be one of the ways the state can guarantee the community's basic needs. Unfortunately, the amount of the social assistance package did not match the calculation of basic needs. The poverty line in Indonesia in September 2020 was IDR 458,947 per capita per month, while the Food Poverty Line reached IDR 339,004 (73.87 percent).<sup>45</sup> The amount of social assistance such as Village BLT, Wage Subsidy, BST, and Pre-Employment Card of IDR 600,000 per month was considered insufficient, considering the income of most informal workers has decreased, and expenses have increased due to shifts in operational costs due to the policy of working and studying from home.<sup>46</sup>

Based on research conducted by Komnas HAM, three things became obstacles in implementing the JPS program. First, several programs did not follow the community's needs. For example, the Pre-Employment Card program required job training for potential beneficiaries before receiving cash incentives. Second, the assistance distribution, cash, and necessities experienced data problems, so distribution was often incorrect on target. Third, the distribution of assistance/absorption of the JPS budget tended to be slow at the beginning of the PSBB period due to weak coordination between the central and regional governments and problems collecting data on potential beneficiaries.

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<sup>43</sup> Kementerian Keuangan, 'Menkeu Jelaskan Jaring Pengaman Sosial Dalam Penanganan Covid-19 Pada IMF', 2020, <https://www.kemenkeu.go.id/publikasi/berita/menkeu-jelaskan-jaring-pengaman-sosial-dalam-penanganan-covid-19-pada-imf/>.

<sup>44</sup> Triyan Pangastuti, 'Menkeu: Anggaran PEN Terserap 83,4%', 2021, <https://investor.id/business/menkeu-anggaran-pen-terserap-834#:~:text=JAKARTA%2C investor.id -- Kementerian,PEN Rp 695%2C2 triliun.>

<sup>45</sup> Badan Pusat Statistik, 'Berita Resmi Statistik: Profil Kemiskinan Di Indonesia September 2020' (Jakarta, 2020).

<sup>46</sup> Lestary J Barany et al., 'Bantuan Sosial Ekonomi Di Tengah Pandemi COVID-19: Sudahkah Menjangkau Sasaran?', *Centre for Strategic and International Studies Commentaries* ECON-002-I (2020).

Implementing the JPS program also experienced obstacles due to the corruption case of social assistance for the Jabodetabek area in 2020 carried out by the Minister of Social Affairs Republic of Indonesia and other officials at the Ministry of Social Affairs Republic Indonesia.<sup>47</sup> The corruption cases by state officials abusing their authority indicate the lack of transparency and accountability in implementing social security. The *fraudulent* actions impact the reduced enjoyment of the right to social security.

## V. THE URGENCY OF STRENGTHENING THE HUMAN RIGHTS PERSPECTIVE TO GUIDING RECOVERY PROCESS

Data and facts have shown a decline in the realization of human rights during the pandemic. In particular, the fulfillment of the right to work through the achievement of Goal 8 was disrupted due to the high unemployment rate and cases of alleged violations of labor rights. This problem must be responded to quickly by taking the maximum steps and having an *immediate effect* because of the potential for widespread impacts on fulfilling other rights. Therefore, providing social security by strengthening the human rights perspective can be the answer to providing a decent living. The strengthening of the human rights perspective in the recovery process is built on the basis that every human being is a holder of human rights.<sup>48</sup> What "every human being" means is that no citizen can enjoy their rights, including the right to work and social security. Strengthening the human rights perspective to restore the decline in the fulfillment of the right to social security work can be done by taking into account the five recovery steps.

First, prioritizing the understanding that the state is the holder of obligations and citizens are the holders of rights and that there is a dependence between rights that cannot be separated. *The Limburg Principles*<sup>49</sup> emphasize that the state must act as efficiently as possible to realize economic, social, and cultural rights.<sup>50</sup> The state should not delay efforts to ensure the realization of the fulfillment of these rights. On the other hand, the state must take steps to fulfill these rights immediately.<sup>51</sup> The fulfillment of the right to a decent living must be ensured by the state regardless of the country's economic development level.<sup>52</sup> With all the obligations that the state has to fulfill the rights of its citizens, the recovery from the decline in the achievement of the SDGs goals cannot be carried out with the state's "compassion" scheme or economic development itself, but a

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<sup>47</sup> Antara, 'KPK Tetapkan Mensos Juliari Batubara Tersangka Korupsi Bansos COVID', Tirto, 2020, <https://tirto.id/kpk-tetapkan-mensos-juliari-batubara-tersangka-korupsi-bansos-covid-f7NC>.

<sup>48</sup> Muhammad Syafari Firdaus et al., *Pembangunan Berbasis HAM : Sebuah Panduan*, II (Jakarta: Komnas HAM RI, 2013).

<sup>49</sup> The Limburg Principles are agreements governing the implementation of the International Covenant on Economic, Social and Cultural Rights.

<sup>50</sup> Limburg Principles, para 21.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid, para 25.

scheme for fulfilling state obligations.<sup>53</sup> Normatively, the implementation of this obligation must be carried out by the state by complying with international and national human rights standards, including the Constitution. This positioning of state obligations is crucial as a step to fulfill Indonesia's commitment as a member of the United Nations in achieving the targets contained in the SDGs.

Second, strengthening the perspective of human rights is built by prioritizing universality, non-discrimination and equality, participation, and recognizing that human rights are interdependent.

- a. Aspects of universality, non-discrimination, and equality are realized by ensuring that steps taken to restore the right to work and social security are not discriminatory and must be inclusive so that *no one should be left behind*. In job loss situations, social security must be paid for a sufficient period and accommodate not only formal sector workers but also other types of work such as part-time workers, seasonal workers, self-employed, home-workers, and informal sector workers.<sup>54</sup>
- b. The participatory aspect is realized by building a citizen participation mechanism so that the recovery steps are targeted and efficient. Implementing the social security program will not be misdirected if this participatory aspect is strengthened by ensuring access to information and freedom of expression. The state must establish a mechanism for citizen participation in preparing the agreed work plans based on the results of community reflection, including involving vulnerable groups and other human rights beneficiaries.<sup>55</sup> For example, in fulfilling the right to social security, consideration of the rights of vulnerable groups, namely women, children, and persons with disabilities, as well as groups most affected by the pandemic, such as informal sector workers, need to be prioritized. It is helpful to support the achievement of indicator 1.3.1, which the pandemic period increasingly needs to be implemented.
- c. The aspect of the linkage of rights is realized by not ignoring one category of rights because it can threaten the fulfillment of other categories of rights. The state's obligation to ensure social security for its citizens plays a vital role in reducing poverty, avoiding social exclusion, and promoting social inclusion.<sup>56</sup> However, the state must not ignore another right, namely, the right to work. The state must find a solution to the problem of unemployment, which has increased significantly. Therefore, the state must, as soon as possible, ratify or implement measures aimed at achieving a state of unemployment.<sup>57</sup>

Third, countries must identify priorities amid limited resources during the pandemic. Even in an emergency, the state should draw up a plan of action so that there will be no delay in fulfilling social and economic rights. In response to the delay in

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<sup>53</sup> Ibid.

<sup>54</sup> CESCR, 'General Comment No.19, E/C.12/GC/19, The Right to Social Security (Art. 9)', para. 16.

<sup>55</sup> Totok Yulianto et al., *Pedoman Proses Pelaksanaan Tujuan Pembangunan Berkelanjutan Berdasarkan Prinsip Hak Asasi Manusia* (Jakarta: INFID, 2019).

<sup>56</sup> CESCR, 'General Comment No.19, E/C.12/GC/19, The Right to Social Security (Art. 9)', para. 3.

<sup>57</sup> CESCR, 'General Comment No.18, E/C.12/GC/18, The Right to Work (Art.6)', para. 19.

fulfilling the social and economic rights due to COVID-19, the state must prioritize fulfilling the right to social security. With the insufficient amount of social security received by citizens, the state must increase the allocation of resources without reducing the enjoyment of other fundamental rights. Then, to prevent and overcome the problem of delays in the absorption of social security, establishing a plan of action must be oriented towards measurable targets and realize the fulfillment at the minimum and fastest level of the enjoyment of the right to social security.<sup>58</sup> Improvement of resource efficiency must also be done by reducing spending on activities that are not productive and do not have high urgency.<sup>59</sup>

Fourth, in its implementation, efforts to fulfill rights through policies must be ensured to remain accountable. The problem of fulfilling citizens' rights is often hampered by harmful, corrupt behavior. The accountability mechanisms should be developed in a very transparent and effective manner. Accountability mechanisms are essential to ensure that the government is always held accountable for its actions related to failing to fulfill the right to work and social security. Accountability can be carried out with official executive supervision (e.g., state watchdogs) and social supervision through press reports, criticism on social media, and various citizen reporting channels.<sup>60</sup>

Fifth, the state can cooperate with development actors, including non-state actors, to carry out its responsibility to fulfill community rights. The state needs to support business owners to contribute to the fulfillment of these rights, or at least not to violate human rights.<sup>61</sup> The state must take firm action against non-state actors who do not fulfill their obligations in fulfilling the right to work and social security for workers in their companies. In addition, in the context of limited resources experienced by countries, such as a pandemic, cooperation through the international/regional community can be taken to prevent a decline in fulfilling people's rights.<sup>62</sup> The idea of a *Global Fund for Social Protection* is an attractive offer for Indonesia to participate in achieving targets 1.3 and 3.8, which can also help fulfill other social and economic rights.<sup>63</sup>

## VI. CONCLUSION

It seems like two sides of a coin; the relationship between the SDGs and the fulfillment of human rights, especially economic, social, and cultural rights, cannot be separated. The fulfillment of human rights will support the achievement of the SDGs and vice versa; the decline in the fulfillment of human rights will hinder the achievement of the SDGs agenda. The decline in the fulfillment of human rights is inevitable due to the COVID-19 pandemic, so it affects the achievement of the SDGs goals, including Goal 8 (*decent work*)

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<sup>58</sup> Maastricht Guidelines, para. 9.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> CESCR, 'CESCR General Comment No. 3: The Nature of States Parties' Obligations (Art. 2, Para. 1, of the Covenant)' (1991).

<sup>63</sup> Olivier De Schutter, 'Global Fund for Social Protection: International Solidarity in the Service of Poverty Eradication, A/HRC/47/36', 2021.



and Goal 1 (*no poverty*). Poverty and unemployment rates in various countries worldwide, including Indonesia, have increased significantly due to restrictions on mobility and decreased purchasing power during the pandemic. Millions of people lost their jobs and their rights as workers. Unfortunately, the presence of the social security program as a form of social security in an emergency has not been maximized. The implementation of the distribution of the Social Security program is problematic in terms of accountability, quality, and availability.

The state must respond quickly to get an *immediate effect*. Efforts to achieve SDGs Goal 8 and Goal align with respect, protection, and fulfillment of the right to work and social security guaranteed in the Constitution. When rights to work and social security are protected, citizens can stand up for themselves and those around them and make decisions that impact their lives. Using a human rights perspective will bring development toward sustainable change because it is carried out participatory and positions the state as the holder of obligations. This article offers five recovery steps that the state can take in carrying out its obligations to fulfill, protect, and respect the right to work and social security, whose realization has been delayed due to the COVID-19 pandemic.

The five steps include *complying with international and national human rights standards, including the Constitution, to achieve economic, social, and cultural rights. Second, prioritize universality, non-discrimination, equality, participation, and recognizing that human rights are interdependent. Third, identify the priority scale amid the limited resources during the pandemic by compiling a participatory and inclusion action plan. Fourth, ensure that recovery policies remain accountable by establishing transparent and effective mechanisms. Fifth, cooperate and ensure that non-state actors contribute to these rights' fulfillment, or at least do not violate human rights.*

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