

Legal Implications Of Stunting Eradication In The Perspective Of Policy And Protection Of Children's Rights In Indonesia

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Abstract—Stunting is one of the main health problems in Indonesia that has a serious impact on children's physical growth and cognitive development. Protection of children's rights to optimal health and growth has been regulated in various legal instruments, both at the national and international levels. This study aims to analyze the legal implications in overcoming stunting from the perspective of policy and protection of children's rights in Indonesia. The research method used is a normative legal approach with a qualitative analysis of relevant laws and regulations, government policies, and international legal instruments related to children's rights. The results of the study indicate that from the perspective of protecting children's rights, stunting is a form of violation of children's rights because children have the right to life and optimal growth and development, the right to health services, and the right to adequate and balanced nutrition, as regulated in the Child Protection Law and the Convention on the Rights of the Child (CRC). The government is trying to overcome stunting through various policies, such as 'Presidential Regulation No. 72 of 2021 concerning the Acceleration of Stunting Reduction, Regulation of the National Population and Family Planning Agency Number 12 of 2021 concerning the National Action Plan for the Acceleration of Reducing Stunting Rates in Indonesia, and Decree of the Minister of Health Number HK.01.07/MENKES/1928/2022 concerning National Guidelines for Medical Services for Stunting Management'. This study recommends increasing the effectiveness of law enforcement, inter-sectoral coordination, and public education as a comprehensive effort to overcome stunting and ensure maximum protection of children's rights.

Keywords— *Legal Implications; Protection of Children's Rights; Public Policy; Stunting Prevention*

I. INTRODUCTION

Stunting is a significant public health issue characterized by impaired growth and development in children, particularly those under five years of age. It is primarily caused by chronic malnutrition, which can result from insufficient intake of essential nutrients over an extended period. This condition leads to a height-for-age measurement that is significantly below the standard for a child's age group, indicating that they are not growing properly since in the womb, especially in the First 1000 Days of Life (HPK) [1]. The short-term effects can cause brain development, body mass growth and body composition to be hampered, as well as impaired glucose, lipid, protein and hormone metabolism. Long-term effects can cause decreased cognitive abilities and learning achievement, immunity, work capacity, and the occurrence of diseases, such as heart and blood vessel disease, diabetes, cancer, and elderly disability [2].

The causes of stunting are very complex and involve various factors, such as maternal nutrition during pregnancy, history of exclusive breastfeeding, protein intake, immunization status, disease infections, maternal education level, father's occupation, and family economic conditions [3]. One of the factors that plays an important role in preventing stunting is the role of the mother as the primary caregiver of the child in the family. Mothers who have adequate knowledge and skills related to nutrition and good parenting can provide a strong foundation for optimal child growth and development. Therefore, empowering women, especially mothers, through increasing knowledge, skills, and

access to good health services, can be an effective solution in reducing stunting rates in Indonesia [4].

Indonesia is one of the countries with a fairly high prevalence of stunting compared to other middle-income countries. Based on data from the 2022 Indonesian Nutritional Status Survey (SSGI), the prevalence of stunting in Indonesia has reached an alarming figure, with a prevalence rate of 21.6% [5]. Then based on the results of the 2023 Indonesian Health Survey, the national average recorded a stunting prevalence of 21.5%. This figure is still far from the target set by the government, which is 14% in 2024 [6] [7].

If this situation is not addressed, it can affect Indonesia's development performance, both in terms of economic growth, poverty and inequality [8]. Stunting is not just a physical health problem, but also has an impact on cognitive development, education, and productivity in the future [6]. Children who experience stunting tend to have lower cognitive abilities compared to children who grow optimally [9]. This has an impact on the decline in the IQ of Indonesian children by 10-15 points so that children's academic achievement is poor, furthermore children are predicted to earn 20% lower income at working age, and decreased job opportunities in the future [10] thus exacerbating poverty and threatening the survival of future generations. If children are born healthy, grow well and are supported by quality education, they will become a generation that supports the success of national development [11].

From a legal perspective, the protection of children's rights to optimal health and growth and development has been regulated in various legal instruments, both at the national and international levels. 'The 1945 Constitution guarantees the right of every child to grow and develop optimally (Article 28B Paragraph 2 of the 1945 Constitution). In addition, Indonesia has also ratified the Convention on the Rights of the Child through Presidential Decree Number 36 of 1990, which emphasizes the importance of protecting and fulfilling children's rights, including the right to adequate nutrition' [12].

Several policies have also been issued by the government to address the problem of stunting, such as 'Presidential Regulation No. 72 of 2021 concerning the Acceleration of Stunting Reduction, Regulation of the National Population and Family Planning Agency Number 12 of 2021 concerning the National Action Plan for the Acceleration of Reducing Stunting Rates in Indonesia, and Decree of the Minister of Health Number HK.01.07/MENKES/1928/2022 concerning National Guidelines for Medical Services for Stunting Management' [13]. In addition to these policies, the government also involves various stakeholders to support the implementation of stunting prevention programs, including civil society organizations, the business world, and educational institutions [14].

However, in implementing these policies, there are still many obstacles faced. One of the main obstacles is the lack of human resources in the Health Office and the high

workload and work volume so that human resources are only focused on their main jobs [15]. In addition, budget constraints and low public awareness of the importance of balanced nutrition and good parenting practices are also significant inhibiting factors [16]. These obstacles require serious attention from the government and stakeholders so that the stunting reduction program can run effectively.

Previous research explains that Indonesia has ratified 'the Convention on the Rights of the Child which was then transformed into Law No. 35 of 2014 concerning Child Protection'. In terms of regulation, Indonesia is already good by issuing several laws other than those related to child protection, namely issuing laws on health, from these two laws Indonesia is strong in terms of regulation, but unfortunately it is not followed by good implementation [17]. Other research reveals that efforts to protect children through overcoming and preventing stunting by providing education and assistance to the community regarding stunting problems have been able to increase public knowledge about stunting [18]. Further research found that the government has taken real steps to address stunting through comprehensive programs involving aspects of nutrition, education, health, and infrastructure. Programs such as BPNT and Posyandu are examples of initiatives aimed at increasing nutritional intake and access to health services, especially for poor families. However, factors causing stunting such as poor nutrition, parenting patterns, economic conditions, and sanitation are still challenges that require a holistic and collaborative approach to be resolved [19]. Frederica also found that the factors that influence policies to accelerate stunting reduction. There are two large groups, namely internal (Government Agencies as Policy Makers and Policy Implementers) and external (Community, Environment, and Socio-Culture), which were found to have no systematic coordination, also cross-sectoral which tends to work alone is one of the obstacles that is still a key factor in accelerating the decline in stunting cases [20]. Of the existing research, qualitative research that examines the legal implications of overcoming stunting from the perspective of policy and protection of children's rights in Indonesia has not been widely carried out.

This study aims to analyze the legal implications in efforts to overcome stunting in Indonesia from the perspective of policy and protection of children's rights. Through a normative legal approach, this study will evaluate the effectiveness of existing regulations and identify obstacles faced in their implementation [21]. The results of the study are expected to provide concrete recommendations for the government and stakeholders in optimizing efforts to overcome stunting in a sustainable and comprehensive manner.

II. METHOD

This study uses a normative legal method with a qualitative approach [21]. The normative legal approach is used to analyze various laws and regulations, government policies, and international legal instruments related to stunting control and child rights protection. The data used in this study are secondary data obtained from literature studies, including laws

and regulations, scientific journals, official government reports, and other related documents [22].

Data analysis was carried out by systematically analyzing legal materials related to the protection of children's rights and stunting control policies. The analysis technique used is descriptive-analytical analysis, where the collected data is arranged systematically, then analyzed to understand the relationship between existing policies and their implementation in the field [23].

In addition, this study also uses a conceptual approach to understand the legal principles underlying the protection of children's rights in the context of stunting control [24]. The results of the analysis are then used to formulate recommendations that can be implemented by the government and relevant stakeholders to increase the effectiveness of stunting control in Indonesia.

III. RESULTS AND DISCUSSION

1. Stunting Prevention in Policy Perspective

Policy is a product of government output whose impact can be felt by the community both directly and indirectly, which is written or unwritten [25]. Through policy, the government seeks to overcome stunting which has become a critical problem in this country. Efforts to accelerate nutritional improvement are also global efforts, not only for Indonesia, but all countries that have stunting nutritional problems. This effort was initiated by the World Health Assembly 2012. The targets that have been set in efforts to reduce the prevalence of stunting include: reducing the prevalence of stunting, wasting and preventing overweight in toddlers, reducing the prevalence of anemia in women of childbearing age, reducing the prevalence of low birth weight (LBW), increasing the coverage of exclusive breastfeeding. As a UN member country with a high prevalence of stunting, it also strives and is committed to accelerating the improvement of nutrition 'scaling up nutrition (SUN)' in the community. These efforts are inseparable from long-term, medium-term and short-term plans with reference to the laws that have been stipulated by the Legislative Body.

'Law Number 17/2007 concerning the Long-Term Development Plan (2005-2025) states that food development and nutritional improvement are carried out across sectors including production, processing, distribution, and consumption of food with sufficient, balanced, and guaranteed nutritional content. Furthermore, based on 'Law Number 36 of 2009 concerning Health, the government is responsible for organizing comprehensive health services, including prevention and treatment of stunting'. The government also regulates health programs related to nutrition, immunization, sanitation, and clean water. This health policy strengthens the handling of stunting by ensuring public access, especially pregnant women and children, to the health services they need. This regulation also states that the direction of nutritional improvement is to improve the quality of individual and community nutrition through improving food consumption patterns that are in accordance with balanced nutrition; improving nutrition-conscious behavior, physical activity, and health; increasing access and quality of nutrition services in accordance with

advances in science and technology; and improving the food and nutrition alert system.

Then the government issued 'Law on Food Number 18 of 2012 which stipulates policies in the food sector to improve the nutritional status of the community. The Government and Regional Governments prepare a Food and Nutrition Action Plan every 5 (five) years. From the three laws, Presidential Regulation No. 5/2010 concerning the Medium-Term Development Plan (2010-2014) was issued, stating that the direction of Food and Nutrition Development is to improve food security and the health and nutritional status of the community. Furthermore, Presidential Instruction No. 3/2010 emphasized the preparation of the National Food and Nutrition Action Plan (RAN PG) 2011-2015 and the Regional Food and Nutrition Action Plan (RAD-PG) 2011-2015 in 33 provinces'.

'Presidential Regulation No. 42/2013 concerning the National Nutrition Improvement Movement was issued to support efforts to mobilize stakeholder participation and concern in a planned and coordinated manner to accelerate nutritional improvement in the first 1000 days of life (1000 HPK). Thus, the supporting instruments of policy in accelerating nutritional improvement are quite complete, and require organized implementation efforts that can be applied at every level by every element involved. With the issuance of this Presidential Regulation, more concrete efforts are needed, focusing on 1000 HPK and integration of activities across programs (specific efforts) and across sectors (sensitive efforts) by all stakeholders'[26].

In realizing this responsibility, the government has made further policies and regulations aimed at protecting children's rights to optimal health and growth, such as 'Presidential Regulation No. 72 of 2021, BKKBN Regulation No. 12 of 2021, and Minister of Health Decree No. HK.01.07/MENKES/1928/2022 as the legal basis for accelerating the reduction of stunting. Article 1 paragraph 1 of Presidential Regulation Number 72 of 2021 concerning the Acceleration of Stunting Reduction states that stunting is a disorder of growth and development in children due to chronic malnutrition and recurrent infections, which is characterized by their length or height being below the standard set by the minister who organizes government affairs in the health sector'. This regulation also forms a stunting reduction acceleration promotion team consisting of directors and senior management. The vice president is the main steering committee, accompanied by the Coordinating Minister for Human Development and Culture and other ministers.

Based on 'Presidential Regulation Number 72 of 2021 concerning the acceleration of stunting reduction, the National Population and Family Planning Agency was appointed as the chief executive officer for the acceleration of stunting reduction with a target of reducing it to 14 percent by 2024'. A stunting reduction acceleration team was also formed at the provincial, district/city, and sub-district levels. Efforts to accelerate stunting reduction will be carried out comprehensively/thoroughly and synergistically between the central government, provincial government and district/city government.

‘The National Population and Family Planning Agency as the chief executive has issued BKKBN Regulation No. 12 of 2021 concerning the National Action Plan for the Acceleration of Reducing Indonesia's Stunting Rate (RAN Pasti) for 2021-2024, the framework used in the National Action Plan for the Acceleration of Reducing Indonesia's Stunting Rate focuses on three (3) approaches, namely the nutritional intervention approach, the multi-sector and multi-party approach, and the family-based approach at risk of stunting’.

‘The National Action Plan for the Acceleration of Reducing Indonesia's Stunting Rate is guided by five pillars which are the government's strategic plan in reducing stunting rates. The five pillars are National and Regional Political and Leadership Commitment; National Campaign and Behavior Change Communication; Convergence of Central, Regional, and Community Programs; Food and Nutrition Security; and Monitoring and Evaluation’ [27].

The high burden of stunting problems in Indonesia, due to the still high prevalence and the risk of long-term impacts that can affect the quality of Indonesian human resources, is the background to the urgent need for a National Health Service Guideline (PNPK) for prevention, early detection and immediate management of infant and toddler stunting in Indonesia. Therefore, ‘the government through the Decree of the Minister of Health No. HK.01.07/MENKES/1928/2022 Concerning Guidelines for the Implementation of Specific and Sensitive Interventions in Accelerating Stunting Reduction; created guidelines for prevention, early detection, and immediate management of stunting’.

In the successful implementation of the central government's stunting control policy, an integrated approach is needed, starting from the planning stage to program implementation at the regional level [28]. Local governments have an important role in ensuring that national policies can be implemented effectively at the local level. In addition, support from various elements of society, such as health workers, civil society organizations, and community leaders, is also needed to increase public awareness of the importance of preventing stunting [29]. Therefore, handling stunting is not only the responsibility of the health sector alone, but also requires a cross-sectoral approach involving various parties, including the government, private sector, community, academics, and the media [30].

2. Stunting Prevention from the Perspective of Child Rights Protection

Child protection is all activities to guarantee and protect children and their rights so that they can live, grow and develop and participate optimally in accordance with human dignity and receive protection from violence and discrimination [31]. Families, relatives, communities, and the government are obliged to respect, protect, and strive to fulfill children's rights. However, in reality, there are still many children whose rights have not been fulfilled, so that children are in difficult situations or neglected and even experience mistreatment and violence [32].

Based on ‘Law Number 23 of 2002 concerning Child Protection Juncto Law Number 35 of 2014 concerning

Amendments to Law Number 23 of 2002 concerning Child Protection, the state is obliged to fulfill children's rights to live and grow healthily’. Stunting prevents children from achieving their maximum potential, and therefore becomes a threat to the right to health and welfare of children. Addressing stunting is an important step to ensure that children can grow optimally, without health barriers that can harm them in the long term. Children's rights recognized in this law are part of human rights that must be guaranteed, protected, and fulfilled by parents, families, communities, governments, and the state. 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 honor, and receive protection from violence and discrimination. In this Child Protection Law, a child is defined as someone who is not yet 18 (eighteen) years old, including children who are still in the womb. Article 2 states that the implementation of child protection is based on Pancasila and the 1945 Constitution of the Republic of Indonesia. Child protection aims to ensure the fulfillment of children's rights so that they can live, grow, develop, and participate optimally in accordance with human dignity and honor, and receive protection from violence and discrimination, in order to realize quality, noble, and prosperous Indonesian children (Article 3). It should be noted that these rights can be guaranteed if they are in a healthy and good environment. Therefore, Article 22 requires the State Government and Regional Government to be responsible for providing support for facilities and infrastructure in the implementation of child protection. The right to growth and development is derived into the right to health, education, and the right to express oneself and obtain information. In the Child Protection Law, the derivative rights to growth and development are manifested in the implementation of protection in the fields of education, health, and social, including religion. The right to obtain health services is the most important right in the group of rights to child growth and development [33].

From the perspective of protecting children's rights, stunting violates children's basic rights to optimal health, as regulated in ‘Article 28B Paragraph (2) of the 1945 Constitution and the Convention on the Rights of the Child. According to the Convention on the Rights of the Child (CRC) and Article 28 paragraph (2) of the 1945 Constitution, stunting is a form of violation of children's rights because children have the right to the right to life and optimal growth and development, the right to health services, and the right to adequate and balanced nutrition’. Therefore, stricter law enforcement efforts and more effective cross-sector coordination are needed to ensure that existing policies can be implemented properly [30].

Addressing stunting focuses on meeting adequate nutrition from pregnancy to the age of 2 years. The government, through existing policies, must ensure that children in Indonesia receive balanced nutrition and do not experience malnutrition. ‘The Convention on the Rights of the Child (CRC) ratified by Indonesia through Presidential Decree Number 36 of 1990 also mandates that every child has the right to a high standard of living, which includes good nutrition’. The state must create policies that support the provision of adequate nutritious food

for children throughout Indonesia. Increasing public education and preparing more technical and applicable regulations are important recommendations to overcome existing obstacles.

IV. CONCLUSIONS

The legal implications of stunting control from the perspective of policy and child rights protection in Indonesia are very important to ensure that every child gets their rights, especially the right to adequate health and nutrition. Viewed from the perspective of child rights protection, stunting violates children's basic rights to optimal health. Government policies aimed at protecting children's rights to optimal health and growth, such as Presidential Regulation No. 72 of 2021, BKKBN Regulation No. 12 of 2021, and Minister of Health Decree No. HK.01.07/MENKES/1928/2022 are the legal basis for accelerating the reduction of stunting. This study recommends increasing the effectiveness of law enforcement, coordination between sectors, and public education as a comprehensive effort to overcome stunting and ensure maximum protection of children's rights. With a more comprehensive legal approach and consistent policy implementation, it is hoped that the prevalence of stunting in Indonesia can be significantly reduced.

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