

Children and Stunting Phenomenon in Indonesia: Legal Perspective

Rizka Rizka¹, Heru Santoso Wahito Nugroho², Arief Budiono³, Wafda Vivid Izziyana⁴, Ayesha Hendriana Ngestiningrum⁵

¹Lecturer, Faculty of Law, Universitas Muhammadiyah Surakarta, ²Associate Professor, Poltekkes Kemenkes Surabaya, ³Lecturer, Universitas Muhammadiyah Surakarta, ⁴Lecturer, Universitas Muhammadiyah Ponorogo, ⁵Lecturer, Poltekkes Kemenkes Surabaya

Abstract

Indonesia is a country with abundant natural resources, yet the case of malnutrition has gone on since a long time ago. The non-serious handling of malnutrition causes various health conditions such as stunting. This will influence economic capacities and productivity; thus, it becomes a serious threat. This research uses a quantitative method, by using primary and secondary legal sources.

Stunting may have implications on children's health both in the short and in the long run. It may influence the country's economy. The roles of the government, parents, family, and the society is not enough in protecting children from stunting. The government has not maximally implied various programs in preventing and handling stunting, thus the rate of stunting is not yet according to the standard given by WHO. This describes some aspects and the citizens' rights which are not yet fulfilled, including the rights to live, the right for health, the right for children to grow, and other rights.

Keywords: protection, law, stunting, perspective

Introduction

Indonesia is a country which is famous for its richness in natural resources. Yet, unfortunately, this country cannot be separated from the problem of malnutrition, which has gone on for a long time. The handling of malnutrition which is not serious enough causes many chronic diseases, including stunting. Stunting may influence the learning activity of children in school age. It will influence scores and school achievements. As adults, it will affect wages, the risks of chronic diseases such as diabetes, morbidity and mortality. It may even influence the state's economic productivity.⁽¹⁾

On 2013, Indonesia was in the world fifth rank with the highest percentage of stunting, which reached 37%. On 2017, Indonesia was ranked the third country

with the highest prevalence of children who suffer from stunting. It is also ranked as the fifth country with the highest number of stunting infants in the Southeast Asia Region. This percentage means around nine million people. Thus, this case becomes a serious threat.

The factors which cause stunting in children are as follows: inadequate nursing practices, the limited number of health services for pregnant women and for post-partum women. There is limited early education. The limited access for families to obtain nutritious food, and the limited access to clean water and sanitation. These factors are results of a study held by the Republic of Indonesia's Ministry of Health, which was published by the World Bank. The condition of stunting was caused by the lack of nutrition fulfillment whilst the child was still in the womb for 9 months, and during the age of growth which is the first 1000 days of a child's life. The lack of nutrition in the first two years will cause the child permanent brain deterioration. Malnutrition does not only pose a threat to the child's development and his/her physical health. Yet, it will also cause poverty due

Corresponding Author:

Rizka Rizka,

Universitas Muhammadiyah Surakarta, A. Yani Street, Pabelan, Surakarta, email: riz123@ums.ac.id

to the brain deterioration as it influences intelligence. In the future, it will cause the child who suffered stunting to have difficulties in finding a job.⁽²⁾

The citizens' quality is a challenge for the government. It is also its challenge to solve the phenomenal problems and to give legal protection. By knowing the factors which cause these problems, the government will create intervention programs. The aim of this research is to analyze the implementation of the legal protection from the government as the state's active role towards children who suffer from stunting.

Method

This research uses a qualitative method, where primary and secondary legal sources are used. The primary legal sources are the constitutional regulations. Meanwhile, the secondary legal sources are sources which give explanations regarding the primary legal sources. These secondary legal sources are obtained by the writer from literature review and documents of research results. The legal sources obtained will be collected and analyzed qualitatively by description and logical explanation.

Results and Discussion

Stunting is a highly dangerous health condition, as it does not only cause impacts to health and the children's level of intelligence, yet it also brings impact towards the future of the children and the nation. Apart from that, if not treated well, stunting may cause death.⁽³⁾

Moreover, the citizens' malnutrition is the government's failure in creating food security, both as the administrator and the regulator. This failure shows that there is a legal responsibility which is violated by the government, even though then the government tried to object from its responsibility and tried to propose some excuses, such as the field's condition. Handling the stunting disease means eradicating poverty. Poverty is a condition which limits human beings from accessing various opportunities.⁽⁴⁾

The state has the responsibility and the obligation to give protection for all citizens. Especially, in this paper which talks about the phenomenon of stunting, the government must pay attention to it. Some aspects which must be given attention from the government

includes respecting citizens, protecting citizens, giving them security, fulfilling the state's responsibility to act actively so that the citizens' rights may be fulfilled, including the rights of children who suffer from stunting.

The government's policy program regarding the handling of stunting is a manifestation of protection for children. It is the order of the constitution. Thus, the state has the obligation to take legislative, administrative, and legal steps as well as other actions to solve this problem. The healing of children from stunting becomes the state's obligation so that children may live healthily and properly. Every child has the right to obtain good health services. They have the right for food, nutrition, and prosperity.

Specific rights for children who suffer from stunting has not yet been regulated specifically in the national law. The law on children's rights for protection is regulated in the Republic of Indonesia's 1945 Constitution, on the constitution No. 4 of 1979 regarding Child Prosperity, the Constitution No. 23 of 2002 regarding Child Protection, the Constitution No. 36 of 2009 regarding Health, the Constitution No. 3 of 1997 regarding Justice for Children, and the Constitution on Food.

The high rate of children who suffer from stunting becomes the indicator of the high rate of malnutrition in Indonesia. It shows that Indonesia children have not yet received enough protection from the law. The data from the Nutrition Status Surveillance (Pemantauan Status Gizi/PSG) from the last three years show that stunting has the highest prevalence compared to other problems of nutrition such as malnutrition, underweight, and overweight. It was 27,5% on 2016, and became 29,6% on 2012. The main causes of stunting are the factors of low intake of nutrition, infectious diseases, the gender of male, the low education of the mothers, children do not obtain exclusive breastmilk.⁽³⁾

The main factors which cause stunting is the low intake of nutrition for the mother and the children. There are multidimensional factors of nutrition. Apart from factors which directly touch mothers and children, stunting may also be caused by lack of facilities.⁽⁵⁾

Article 34 of the 1945 Constitution states that the poor, the needy, and misplaced children are taken care of by the state. This law mentions clearly that the

state has the responsibility to bring prosperity to its people, especially the poor families as mandated in the constitution.

Stunting causes two kinds of negative influences to the child's development, which are the short-term impact and the long-term impact. In the short-term impact, it causes the higher risk of diseases and death. The child's development is not optimal and it will increase the funds needed for health. The other impact is the long-term impact, where the body posture is not optimum. There will be risks for health problems such as obesity and other diseases. There will be a deterioration in the reproductive health, in the ability to study, and the work capacities. Death which takes the life of the nation's children is caused by the lack of protection and health services, which may be categorized as a violation of human rights. The violation of health rights is a violation of the constitution.⁽⁵⁾

Because of this, it is an obligation of the government to maximize the effects of policies and actions of programs in preventing stunting and healing children from it. If the suffering children are not healed, it will destroy the future of the children and the nation, and it may even cause death. Meanwhile, the rights violated by the state are the rights to live, the right for health, the right for growth, the right for children's prosperity, the right for education, and the right for proper living. The right for life is an absolute right which cannot be restricted in any condition, since it is a blessing from God.

The protection and the fulfillment of the citizen's constitutional rights must be carried out according to the people's condition. In the Indonesian society, there are differences in capabilities which are caused by marginalized social structures in obtaining the access for rights protection and fulfillment given by the state. The state's programs in solving the case of stunting has not been reached until now, and its execution is not equally spread. Indonesia consists of some provinces. Yet, according to data from the Ministry of Health, there are only two provinces which are under the standard of the WHO, which are Yogyakarta and Bali. The program of providing food aid from sources which are under the standard. There are no specific policies on the fulfillment of nutrition for pregnant women, breastfeeding women,

babies, infants, and other malnutrition-prone groups.⁽⁶⁾

There needs to be a regulation which specifically manages the rights and responsibilities of children who suffer from stunting. It is the role of the central and the regional governments to realize their responsibilities. They should provide facilities and infrastructure. There should be professionalism in health services regarding the handling and the prevention of stunting. It is the rights and the responsibilities of the family, with the role of the society and the law enforcers. There should be legal sanctions, as sanctions will enforce the application of a law so that the law certainty may be guaranteed, and that it will bring benefits.

The handling of stunting cannot be done individually as there would not be any significant impacts. The efforts to prevent stunting must be carried out with integrated and convergent methods with multisectoral approaches. Because of that, the government must make sure that all ministries, all institutions, all development partners, academicians, professional organizations, civil society organizations, private companies, and media may work together to accelerate the prevention of stunting in Indonesia.⁽⁷⁾ Not only in the central level, yet the integration and convergence of the effort to prevent stunting must be done in the regional level, and up to the village level. In the implication of the acceleration in stunting prevention, there are some obstacles. For example, the programs in preventing stunting are not yet effective. The allocation of the financial resources and human resources are not yet effective nor efficient.

The right for health is the right of every human being which is guaranteed in the constitutional regulations. Yet in reality, there are still actions of discriminative health services. This is proven by the abundant reports on the services which are not yet optimum, and that there are discriminative actions experienced by some people.

Conclusion

Stunting is a highly dangerous health condition. This is because it does not only bring impact to the health and the intelligence of children, yet it may impact the future of the children and the nation. Moreover, if not handled well, stunting may cause death. Stunting may have implications to the children's health both in the short and in the long term. It will affect the nation's economy.

The government, parents, families, and the society has not made serious actions in protecting the rights of children who suffer from stunting. The government has not maximally implemented the various programs in preventing and in handling stunting as an effort to protect the children's human rights. This implies to the fact that the rate of stunting is not yet according to the WHO's standard. The state is not yet able to give legal protection for children who suffer from stunting. This describes some aspects and some of the citizen's rights which are not fulfilled, such as the right to live, the right for health, the right for children's development, etc.

Ethical Clearance: Yes

Conflict of Interest: No

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