

# Reconstruction of Equitable Stunting Handling Arrangements (Perspective of Presidential Regulation Number 72 of 2021)

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## Abstract

Stunting continues to be a significant public health and human development issue in Indonesia, indicative of both persistent dietary deficits and systemic failures in safeguarding children's rights. Despite Presidential Regulation Number 72 of 2021 on Stunting Reduction and Acceleration, current legislative frameworks are primarily administrative and procedural, lacking enforceable accountability measures and penalties. This paper examines the normative deficiencies of the regulation through the lenses of children's rights and social justice, and proposes a progressive legal framework for the fair management of stunting. This study uses normative legal methods, statutory employment, conceptual, and philosophical methodologies to analyze constitutional provisions, national law, treaties, international human rights, and the circumstances of policy implementation. The findings indicate that Presidential Regulation No. 72 of 2021 fails to position children as legal subjects with enforceable rights and does not provide binding obligations or legal consequences for governmental negligence. Consequently, disparities in access to nutrition and health services persist, particularly in socio-economically disadvantaged regions. This study proposes a reconstruction of Articles 6 and 10 of the regulation by integrating principles of substantive justice, child-centered budgeting, participatory governance, and state accountability. The reconstruction is expected to transform stunting policy from an administrative framework into a rights-based legal instrument that safeguards children's constitutional right to health and supports sustainable social transformation.

**Keywords:** stunting; children's rights; progressive law; social justice; legal reconstruction; Indonesia

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## INTRODUCTION

A nation's advancement is largely influenced by the caliber of its human resources. Children, as the forthcoming generation, have a pivotal role in sustainable development. Nonetheless, an essential condition for good growth and development continues to encounter significant hurdles in Indonesia <sup>1</sup>. A persistent issue affecting Indonesian children is stunting, a developmental disease resulting from chronic malnutrition encountered from prenatal stages through early childhood. This phenomenon impacts both the physical dimension and the child's enduring cognitive development and productivity <sup>2</sup>

According to numerous studies and reports from national and international organizations, including UNICEF, WHO, and Bappenas, the causes of stunting stem not only from insufficient public awareness or limited medical interventions but also from inadequate institutional frameworks and public policies that are not grounded in rights-based approaches. The existing approach remains reactive and technical, failing to address the fundamental causes of social inequality that

drive the elevated incidence of stunting. The state, comprising central and local governments, has failed to provide a legal framework that enables the community to ensure the effective exercise of children's health. The local government fails to implement the stunting control program, and there are no legal provisions that impose explicit, stringent penalties.

Evidence suggests that in Indonesia, the stunting rate remains significantly elevated. The 2024. The prevalence of stunting among children under five is 19.8% (Indonesian Nutrition Status Survey (SSGI))<sup>3</sup>. This data indicates that millions of Indonesian youth experience physical and psychological developmental challenges as a result of chronic malnutrition. The impact adversely affects individuals' quality of life and strains national education, health, and productivity systems in the future. The government aimed for a 14% decrease in stunting prevalence by 2024; however, this objective was hindered by institutional constraints, insufficient funding, and inadequate community engagement in program oversight.

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The "Declaration of the Rights of the Child," which states that stunting is not merely a health issue but also a significant impediment to human development, social equity, and national sustainability (United Nations General Assembly, 1959). Every child is entitled to survival, growth, development, and protection from violence and discrimination (Article 28B, paragraph (2) of the 1945 Constitution of the Republic of Indonesia). Furthermore, Article 28H, paragraph (1), stipulates that every individual is entitled to a prosperous life, which includes physical and mental health, access to healthcare services, and a conducive environment. These sections create a strong normative basis for the state's legal duty to guarantee the fulfillment of children's essential rights, including access to health care and sufficient nutrition. This mandate is delineated in Law Number 35 of 2014 about Child Protection, which asserts that children are entitled to sufficient health and nutrition services. Moreover, Law Number 36 of 2009 concerning Health emphasizes the importance of comprehensive pediatric health services. However, complications arise when laws and regulations do not explicitly categorize stunting as a violation of children's right to health. Regulations for stunting control are clearly delineated in sectoral administrative policies, particularly in Presidential Regulation Number 72 of 2021 about the Acceleration of Stunting Reduction.

The procedural policy is devoid of normative provisions that would provide a foundation for legal accountability when a child's rights to nutrition and health are insufficiently addressed. The absence of legislative measures that explicitly categorize stunting as a breach of children's rights illustrates the law's insufficient safeguarding of society's most vulnerable groups. This raises critical questions regarding the effectiveness of Indonesia's positive law in ensuring equitable protection for children. If the law cannot protect children from the repercussions of chronic starvation, it fails to serve its purpose as a mechanism of justice and public interest protection, especially for vulnerable groups incapable of self-defense.

Stunting signifies disparities in access to health, nutrition, and educational resources. Children from impoverished households, indigenous populations, and those residing in isolated regions frequently have obstacles in obtaining fundamental services. This inequity arises from a societal framework that is inherently unjust. The mother's educational attainment, access to potable water, and the family's socioeconomic status significantly influence children's growth and development. The state's

systemic inability to guarantee equal access to these fundamental requirements contravenes the principles of social justice that ought to underpin the judicial system. Research on stunting in Indonesia throughout the past decade has predominantly concentrated on three principal areas of investigation: the Health and Nutrition Approach. Most studies regard stunting as a medical and nutritional issue, attributed to: Insufficient dietary intake, inadequate sanitation and clean water, and low health literacy among moms and families. These studies highlight technical initiatives, such as nutritional supplementation, maternal-child health care, and sanitation enhancements, yet fail to establish a strong connection to state legal accountability. Public Policy and Administrative Methodology. Innovative research additionally examines: The policy to expedite the decrease of stunting, particularly with the enactment of Presidential Regulation No. 72 of 2021, emphasizes cross-sector convergence.

Management of planning and budgeting at the national and regional tiers. This study is predominantly descriptive-administrative, evaluating program efficacy, inter-institutional collaboration, and the attainment of quantitative metrics, but failing to contextualize stunting as a breach of children's rights. Framework for Human Rights and Social Justice. A multitude of studies has begun to examine stunting from the perspectives of children's rights and social justice, citing the 1945 Constitution, the Child Protection Law, and the Convention on the Rights of the Child (CRC).

Nonetheless, the examination of human rights remains predominantly normative and lacks specificity; an analysis of Presidential Regulation No. 72 of 2021 has not yielded a definitive, operational reconstruction of legal norms. This paper addresses the normative-progressive legal framework, emphasizing the substance of regulation and the state's legal obligations, topics that have been infrequently explored in prior studies.

### LITERATURE REVIEW

Stunting is a disorder characterized by growth and developmental impairments in children, resulting from persistent chronic malnutrition, particularly during the first 1,000 days of life, encompassing pregnancy through age two. The World Health Organization (WHO) characterizes stunting as a height-for-age measurement that falls below minus two standard deviations (-2 SD) from the median of the WHO child growth standard. A child is classified as stunted if their height significantly deviates below the standard height

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for their age due to chronic inadequate nutrition. Stunting constitutes a legal infringement of children's rights to health and adequate nutrition as delineated by national and international law. Article 28B, paragraph (2), of the 1945 Constitution of the Republic of Indonesia asserts that every child possesses the right to survival, growth, and development, and is entitled to protection from violence and discrimination. Article 8 of Law Number 35 of 2014 regarding Child Protection asserts that every child is entitled to healthcare and social security appropriate to their requirements. Moreover, Article 12 of Law Number 36 of 2009 on Health underscores the government's obligation to guarantee the provision of an environment, services, and health facilities that promote optimal public health. When a kid suffers from stunting due to the state's failure to provide adequate health and nutrition services, it represents a breach of the child's constitutional rights.

The international viewpoint also establishes a robust foundation. The Convention on the Rights of the Child (CRC) 1989, ratified by Indonesia via Presidential Decree Number 36 of 1990, stipulates in Article 24, paragraph (1), that the state must acknowledge children's right to the highest attainable standard of health and to access medical facilities and health rehabilitation services. The state is obligated to eliminate barriers to children's development, including poverty, hunger, and disparities in access to healthcare. Consequently, stunting is not solely a medical concern but also a matter of social justice and human rights from a legal perspective. Stunting signifies the failure to ensure that children's rights to optimal growth and development are met. This subject underscores disparities in resource allocation, particularly between affluent and underprivileged areas and between affluent and impoverished families.

According to the literature mapping and article analysis, three primary research gaps have been identified: the Normative Research Gap. There has been no research examining the vacancy in legal accountability norms in Presidential Regulation No. 72 of 2021, Which Proposes a reconstruction of binding and sanctioning legal norms. Most research stops at policy recommendations rather than improvements to legal structures. Research Gap Perspective on Children's Rights. Stunting research is still dominated by the following approaches: Medical, Socio-economic, and Administrative. Few studies clearly focus on the child's entitlement to health and evaluate whether the stunting policy aligns with the notion of the best interests of the kid.

Research Gap: Progressive Legal Approach. There have been few studies that use progressive law as a framework for reconstructing stunting policy, connecting written law (law in the book) with social reality (law in action) in the context of addressing stunting. This article addresses this gap by offering a legal reconstruction grounded in social justice, human rights, and child protection. This research innovatively conceptualizes stunting as a violation of children's rights to health and social justice, while critically examining the normative shortcomings of Presidential Regulation Number 72 of 2021, which fails to provide a framework for legal accountability and sanctions. This research addresses the deficiency in the literature by providing a reconstruction of the regulation of stunting management, grounded in progressive law and the safeguarding of children's rights.

### **RESEARCH METHODS**

In normative legal research, legal materials are fundamental to developing scientific arguments and compiling proposed legal constructions. Because this research is normative juridical in nature, all the data used come from the study of legal sources, both primary, secondary, and tertiary. Each of these legal materials has its own position and function within the research logic, and complements the others to produce a comprehensive and in-depth legal analysis.

### **DISCUSSION**

#### **The Core Issue of Addressing Stunting via Equity and Safeguarding Children's Health Rights (In Light of Presidential Regulation Number 72 of 2021).**

Number 72 of 2021 Presidential Regulation, Article 10 delineates responsibilities of the government at both central and regional tiers to enhance four principal facets in expediting stunting reduction: Planning and budgeting, Program implementation, Monitoring, evaluation, and reporting, and Human resource capacity. These four elements constitute the institutional foundation of the legal system and programs aimed at reducing stunting. Nonetheless, its implementation, particularly at the regional level, such as Cirebon Regency, revealed fundamental issues in the normative, structural, and social aspects. This issue directly affects initiatives aimed at achieving equitable stunting management and safeguarding children's health rights. This analysis elucidates the essence of the issue in accordance with the four aspects of Article 10, followed by a reconstructive solution grounded in

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a progressive legal framework and the principle of safeguarding rights of children's .

### **The Substance of the Problem of Handling Stunting with Equity and Children's Rights Protection to Health (Perspective of Article 10 of Presidential Decree No. 72 of 2021)**

#### **Planning and budgeting.**

Planning and budgeting are the main instruments in public policy that determine the direction, effectiveness, and fairness of stunting-reduction programs. In the context of administrative law, good planning must adhere to the principles of convergence, coordination, and sustainability across sectors, as mandated by Presidential Regulation No. 72 of 2021, Article 10 paragraph (1).

However, at the implementation level in the regions, especially in Cirebon Regency, planning and budgeting still face a number of serious obstacles:

1. Institutional and sectoral fragmentation: Each regional apparatus organization (OPD) is still partially running its programs. For example, the Health Office focuses on nutrition and immunization, while the PUPR Office focuses on sanitation and clean water. There is no one unified document that binds all sectors in one stunting planning legal system.
2. The absence of a legal basis that guarantees fair budget distribution: Budgeting is not based on an equity approach, but rather an equality approach. This means that each region receives the same allocation regardless of vulnerability, poverty, or the prevalence of stunting. As a result, areas with high stunting rates actually receive an inadequate portion of the budget.
3. Dependence on central funds and village funds: Cirebon Regency is still dependent on the assistance of the central government. Village funds for stunting do not have a minimum proportion that is strictly regulated, so many villages do not prioritize stunting reduction in the APBDes.
4. Absence of integration of data and social justice indicators in planning: The Regional Action Plan for Stunting Reduction (RAD-PS) document does not include social justice indicators, such as the ratio of the budget to the number of children at risk of stunting, or the poverty level of pregnant women.

From a progressive legal perspective, this shows that policies remain stuck in a rigid administrative pattern and are not yet aimed at creating

social change or improving children's health. Unfair planning creates structural inequality that runs counter to the spirit of Article 28H paragraph (1) of the 1945 Constitution, which guarantees everyone the right to access health services.

#### **Program implementation.**

The implementation stage is the main test of the effectiveness of legal norms. In the implementation of stunting reduction policies, it was found that:

1. Coordination between implementing agencies has not been effective, even though Presidential Regulation No. 72 of 2021 has established a mechanism for cross-sector convergence (Article 13);
2. Nutrition and health programs are more of an annual project than a sustainable movement.
3. Many activities are only output-oriented, such as counseling and campaigns, but are not followed by community mentoring and empowerment;
4. The implementation of programs in villages often depends on the initiative of the village head, not on a binding policy system.

Merilee S. Grindle's theory of policy implementation posits that the efficacy of implementation is significantly affected by both the policy content and the implementation context. In Indonesia, particularly in Cirebon Regency, the provisions of Presidential Decree 72/2021 are normatively sound; yet, the context of its execution remains unfavorable due to a fragile legal framework and inadequate coordination among stakeholders. Furthermore, the implementation devoid of a basis in substantive justice results in the neglect of child protection as a legal principle. Children are regarded exclusively as beneficiaries rather than as holders of constitutional rights to health. This contradicts Law Number 35 of 2014 regarding Child Protection, which stipulates that the state is obligated to guarantee optimal growth and development for children.

#### **Monitoring, evaluation, and reporting.**

Monitoring and evaluation activities should serve as a means of public accountability to ensure the success of stunting-reduction policies. However, the reality on the ground shows many structural and normative weaknesses, including:

1. Fragmentation of data systems among agencies: The Health Office utilizes data from e-PPGBM (Electronic Community-Based Nutrition Recording and Reporting), whereas Bappeda employs data from national surveys, including

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SSGI (Indonesian Nutrition Status Survey). This asynchrony renders the judgment imprecise.

2. The absence of a legal mechanism that regulates sanctions for implementers who do not report program results: There is no article that explicitly provides legal consequences for OPDs who are negligent in reporting.
3. Evaluations focus only on administrative achievements, not substantive achievements. Success is often measured by the number of activities, not by changes in children's nutritional status or level of public awareness.
4. Lack of community participation in supervision. The evaluation was conducted internally without involving civil society organizations, academics, or local media.

According to Friedman's theory of the legal system, inadequate monitoring indicates dysfunction within the legal framework and legal culture. The law has yet to permeate policy implementers' awareness and has not yet evolved into an instrument for social transformation. Meanwhile, from a progressive legal perspective, evaluation should be directed not only to identify administrative errors but also to restore the law to its values of humanity and social justice.

### **Human resource capacity.**

Human resources capacity is the most crucial factor in implementing laws and programs. According to the 2024 report from the Cirebon Regency Health Office, various facts are presented:

1. The ratio of nutrition to the number of toddlers is still far below WHO standards.
2. Many field workers do not have training related to nutrition and maternal-child health;
3. Village officials do not understand the legal regulations related to the use of village funds for stunting reduction.
4. Too fast job rotation leads to no program sustainability.

In Grindle's theory of public policy, weak human resources cause a policy gap between design and implementation. From a progressive legal perspective, this shows that law enforcers (bureaucrats) fail to understand the human values that should be attached to the law, resulting in policies that become formalistic and lose the spirit of justice.

### **Solutions to Problems of Handling Stunting with Equity and Protection of Children's Rights to**

### **Health (Perspective of Article 10 of Presidential Decree No. 72 of 2021)**

#### **Planning and budgeting solutions.**

1. Establish a legally binding cross-sector integrated planning system. A Regional Regulation or Regent Regulation is needed to govern the integration of OPD work plans into a single legal document for the Stunting Regional Action Plan (RAD-Stunting).
2. Establish a social justice-based budgeting formula (equity budgeting). The budget should be distributed based on the prevalence of stunting, the number of poor families, and access to health services.
3. Develop fiscal justice indicators in planning. For example, the proportion of the budget for girls, pregnant women, and vulnerable groups.
4. Optimizing the role of village funds with affirmative regulations. The central government needs to allocate at least 10% of village funds to nutrition, clean water, and child health activities.

#### **Program Implementation Solutions.**

1. Strengthening the institutional convergence across sectors through the umbrella of regional law. The stunting acceleration coordination forum must have legal legitimacy so that the decisions taken are binding.
2. The community approach is based on living legal values. For example, revitalizing the culture of mutual cooperation to support child nutrition programs and involving religious leaders to educate on healthy living behaviors.
3. Integrating children's rights into the program's implementation. All governmental actions must evaluate their effects on the realization of nutrition and health children.
4. Policy integration with the education sector. Providing reproductive health, nutrition, and sanitation education for adolescents is a preventive step against the risk of stunting.

#### **Monitoring, evaluation, and reporting solutions.**

1. Digitize real-time data-driven reporting systems. Execution of the Integrated Stunting Information System (SISTEDA), which is connected from village to district.
2. Legal audit of program reports. Engage inspectorates and independent agencies to assess legal compliance and the effectiveness of budget use.
3. Outcome-based evaluation. Focus on the real impact on reducing the prevalence of stunting, not just administrative activities.

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4. Participation of the community and academics. Social supervision needs to be institutionalized as a form of democratization of public policy.

### **Solution: Human resource capacity.**

1. Improving technical and legal competence for regional and village officials. Through periodic training involving health law academics.
2. Regeneration of village nutrition workers based on local laws. Nutrition cadres can be regulated in the Perdes as part of the village government system.
3. Performance and social justice-based incentives. Field workers who have achieved reductions in stunting are entitled to receive awards and career support.
4. Cross-professional collaboration. Academics, legal practitioners, doctors, and community leaders must be involved in an integrated mentoring system.

Presidential Regulation Number 72 of 2021, Article 10, establishes a legal framework the national stunting management system. Nonetheless, a significant disparity persists between legal standards and practical execution. Deficiencies in planning, budgeting, execution, evaluation, and human resources underscore the need for legal reform grounded in social justice, child safety, and progressive legal principles.

Handling stunting not only requires good laws on the books, but also laws that live in the community's moral and cultural consciousness. Thus, the law becomes an instrument of social transformation that protects healthy children in a comprehensive, just, and sustainable manner.

### **The Necessity of Reforming Equitable Stunting Management Frameworks and Safeguarding Children's Health Rights (In Accordance with Presidential Regulation Number 72 of 2021)**

Presidential Regulation Number 72 of 2021 on the Acceleration of Stunting Reduction demonstrates the government's dedication to addressing chronic nutritional issues that significantly jeopardize the quality of Indonesia's human resources. In practice, the rule has failed to sufficiently guarantee substantive justice and safeguard children's health rights, especially in areas marked by considerable socioeconomic inequalities, such as Cirebon Regency.

In the view of progressive law, as stated by Satjipto Rahardjo, law should not be seen as a rigid, final system but as a means to "humanize humans." This means the law must adapt to social dynamics, respond to societal needs, and deliver substantive justice, not just procedural justice. Therefore, this

chapter outlines the urgency of reconstructing the regulation of fair stunting handling by combining three analytical dimensions: empirical, sociological, and juridical. This analysis shows that the law governing the handling of stunting must be refined to become an effective, inclusive, and child-rights-oriented instrument.

The Imperative of Revamping Frameworks for Equitable Management of Stunting and Safeguarding Children's Health Rights (In Light of Presidential Regulation No. 72 of 2021). Reconstruction of a law is necessary when prevailing legal norms can no longer accommodate social developments, community needs, and the principles of justice mandated by the Constitution. In this context, the urgency of reconstructing Presidential Decree No. 72 of 2021 is not only technical but also philosophical, as it concerns children's basic right to live a healthy life and access adequate nutrition, which is part of human rights.

### **Empirical Urgency of Equitable Stunting Handling and Protection of Healthy Children's Rights.**

Stunting constitutes a significant issue in Indonesia. The 2024 Indonesian Nutrition Status Survey (SSGI) indicates a stunting prevalence of 21.5%, far above the national objective of 14% set forth in Presidential Regulation No. 72 of 2021. This result signifies that the interventions enacted have insufficiently tackled the root causes of ongoing nutritional issues.

Cirebon Regency exemplifies this empirical difficulty at the regional level. A 2024 report from the Cirebon Regency Health Office indicated a stunting prevalence of 22.9%, revealing notable disparities between urban and rural regions.

The identified causative factors include:

1. Low access to nutritious food, especially in areas with high poverty rates;
2. Limited primary health facilities and trained health workers in villages;
3. Lack of coordination between sectors, both between government agencies and between local governments and village governments;
4. Socio-cultural constraints, such as traditional beliefs about the food of pregnant women and babies, that have an impact on malnutrition.

This empirical reality shows that the substance of Presidential Regulation No. 72 of 2021 remains administratively oriented and has not addressed the community's real needs. Good law should be able to read social realities, not just regulate

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institutional procedures. Therefore, the urgency of reconstructing Presidential Decree 72/2021 lies in the need to restructure legal norms to be responsive to society's real conditions and to the rights of healthy children.

Within the framework of progressive legal theory, laws that are incapable of solving humanitarian problems lose their moral legitimacy. Therefore, regulations that focus solely on bureaucratic governance, without placing children at the center, have the potential to exacerbate social inequality. Therefore, the law must move from law in the book to law in action, from just an administrative document to a social force that lives in society.

### **Sociological Urgency for Equitable Stunting Handling and Children's Rights to Health Protection.**

From a sociological perspective, rebuilding is essential because of the disparity between legal rules and prevailing social values. National initiatives aimed at eliminating stunting, as outlined in No. 72 of 2021 Presidential Regulation, have not been completely assimilated into societal practice. In many regions, stunting is viewed primarily as a medical issue rather than a matter of human rights or social justice.

In rural communities in Cirebon Regency, traditional beliefs are still found that limit food intake for pregnant and lactating women. These social habits show that behavior change cannot be achieved through formal legal approaches alone; it requires a social and cultural approach.

In addition, patriarchal culture has also weakened efforts to handle stunting. In many cases, women, especially mothers, are considered the sole responsible parties for child nutrition, while men are not actively involved. In fact, the convergence approach in stunting policy requires the involvement of all parties, including fathers, extended families, and the community.

Within the context of socio-legal jurisprudence, the efficacy of the law is ascertained by the degree to which the norm is embodied in society (living law). Consequently, the sociological imperative of reconstruction necessitates that legislation transcends mere legal documentation and integrates into a society value system that promotes alterations in collective behavior aimed at social fairness and child health.

Sociological reconstruction should lead to:

1. Adjustment of legal norms to local culture so that its implementation is accepted by the community;

2. Strengthening the role of civil society in policy oversight;
3. The involvement of religious leaders, community leaders, and customary institutions in the socialization of child nutrition and health programs;
4. The development of legal communication using local cultural approaches and universal human values.

Thus, the law is no longer an instrument of state power alone, but a social force that mobilizes the community's collective consciousness to protect the nation's next generation.

### **Legal Imperative for Equitable Management of Stunting and Safeguarding Children's Health Rights**

The necessity for rebuilding arises from the deficiencies in Presidential Regulation No. 72 of 2021, which inadequately defend the principles of justice, legal clarity, and the children's rights protection.

The weaknesses that can be identified include:

1. There is no strict legal accountability mechanism for government agencies or regional heads that fail to meet the stunting reduction target.
2. There are no administrative or juridical sanctions for regions that are negligent in budgeting child nutrition and health programs.
3. There exists no participatory legislative mechanism that allows the community and non-governmental organizations to oversee the program's operation.
4. The principle of distributive justice is not integrated in the allocation of resources between regions.

Article 28B paragraph (2) and Article 28H paragraph (1) of the 1945 Indonesian Constitution unequivocally affirm children's rights to growth, development, and access to health services. The Convention on the Rights of the Child (CRC), ratified by Presidential Decree No. 36 of 1990, mandates that the state prioritize the best interests of the child in all public programs.

Thus, the juridical urgency of the reconstruction of Presidential Decree No. 72 of 2021 is fundamental, namely to ensure that national law not only functions administratively, but also becomes an instrument of constitutional protection for healthy of children's right.

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### Reconstruction of Frameworks for Equitable Management of Stunting and Protection of Children's Health Rights.

The amendment to Presidential Decree No. 72 of 2021 must prioritize strengthening the law's content to elevate it from a purely technocratic policy to a legislative framework that guarantees social equity and safeguards children's health rights. The focus of reconstruction is on Articles 6 and 10, which outline the program's strategy and implementation.

### Reconstruction of Article 6 (Five Strategic Pillars)

Article 6 delineates five fundamental pillars to expedite the mitigation of stunting. Nonetheless, in practice, this article has not emphasized social justice or the protection of children's rights.

The reconstruction of Article 6 needs to be directed to:

1. Adding the principles of substantive justice and public participation in each pillar of the strategy;
2. Integrating the notion of "best interest of the child" into the first pillar as the ethical foundation of policy;
3. Integrating cultural and living law approaches in the pillars of communication and community empowerment;
4. Regulating the obligations of local governments to ensure equitable access to nutrition and sanitation at all levels of society;
5. Strengthening the pillars of research and innovation based on children's rights, by involving universities and health professional organizations.

Thus, these pillars are not only technical guidelines, but also value-based frameworks that ensure that each policy has dimensions of justice, sustainability, and child protection.

### Reconstruction of Article 10 (Program Implementation)

Article 10 regulates four important elements: planning and budgeting, implementation, monitoring, and human resource capacity. The reconstruction of this article aims to make the implementation of policies not just administrative, but has strong legal legitimacy and justice.

#### Planning and Budgeting

1. It is mandatory to implement a child-centered budgeting approach.
2. Local governments are obliged to allocate at least 10% of the health budget for stunting reduction.
3. A transparency mechanism and social audit of the use of program funds is needed.

#### Program Implementation

1. Regional heads are legally responsible for the success of the program.
2. Civil society and religious institutions are involved in nutrition education and healthy living behaviors.
3. The living law approach is applied to adjust the program to local values, for example healthy food mutual cooperation.

#### Monitoring and Evaluation

1. An independent institution was formed under Bappenas to evaluate achievements between regions.
2. The results of the evaluation must be publicly announced as a form of social accountability.
3. Administrative sanctions are given to regions that do not reach the target without a valid reason.

#### Human Resource Capacity

1. The government is mandated to deliver ongoing training on health and child protection legislation for regional officials.
2. Health workers receive incentives and career guarantees to increase work motivation.
3. Collaboration with universities is carried out to strengthen evidence-based policy research.

This article's reconstruction shifts the policy paradigm from "the central government as the controller" to "the state and society as active partners," aligning with the progressive legal philosophy that prioritizes humans at the core of the law (human-centered law).

The primary innovation of this essay resides in its methodology and legal framework, specifically: Stunting Reconstruction as a Breach of Children's Rights. This article asserts that stunting is not merely a health issue, but also a breach of children's constitutional rights to health, growth, and development, as well as a failure of the state to meet its legal responsibilities. This methodology transcends nutritional research and technological policy by positioning children as legal beings rather than mere objects of the program.

Critical Analysis of the Substance of Presidential Regulation No. 72 of 2021. Other important novelties include an in-depth analysis of Articles 6 and 10 of Presidential Regulation No. 72 of 2021 and the disclosure that the regulation is administrative and procedural and does not contain sanctions.

Previous research has generally stopped at policy implementation, while this article criticizes the normative weaknesses of regulation itself. Integration of Progressive Legal Theory. This article integrates

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Progressive legal theory (Satjipto Rahardjo), Friedman's theory of the legal system, and Rawls' theory of distributive justice to argue that the law governing stunting must be oriented towards substantive justice, not merely administrative compliance. This is the conceptual and normative novelty that distinguishes this article from previous research

### CONCLUSION

Presidential Regulation No. 72 of 2021 primarily emphasizes administrative and structural aspects, rather than the essence of justice and the safeguarding of children's rights. Article 10 clearly delineates the regulation of planning, budgeting, implementation, monitoring, and the enhancement of human resources capability; yet, it lacks enforceable rules or penalties for carelessness. The execution of regional policies has been insufficient in ensuring children's right to health, particularly for those from impoverished families and marginalized communities.

Empirically, data from the Cirebon Regency Health Office indicate that the stunting prevalence remains high, despite various programs implemented. Regional inequality, limited human resources, and weak coordination among agencies are the main obstacles. This condition indicates that the substance of existing legal norms is not yet fully capable of addressing social needs and ensuring distributive justice in policy implementation.

From a sociological perspective, Presidential Regulation No. 72 of 2021 has not yet been integrated as a living legislation inside society. The law has not been assimilated as a dynamic social awareness and is not implemented participatively by the community; it remains perceived as a tool of governmental policy. The efficacy of stunting therapy necessitates collaboration among the community, government, and business sector within a just legislative framework focused on the child's best interests.

The primary legal deficiency is the lack of a definitive system for law enforcement and legal liability regarding culpable parties in the execution of the policy. This contradicts the values of the rule of law and accountability, which are fundamental to the national legal system. Consequently, it is imperative to reform the legislative framework to safeguard children's right to health in an equitable and thorough manner.

Consequently, it may be asserted that the management of stunting in Presidential Regulation No.

72 of 2021 requires enhancement on philosophical, legal, and sociological grounds. The legislation must function not merely as an administrative directive but also as a mechanism for social reform that ensures substantive justice for Indonesian children. The legal reformation that designates children as legal entities with an inherent right to health is essential for achieving the state's principles of welfare and social justice, as stipulated by Pancasila and the 1945 Constitution.

### Suggestions

Based on the research findings and the previously stated conclusions, several constructive solutions may be proposed to improve the efficacy and equity of stunting control in Indonesia. The government must conduct a normative reform of Presidential Regulation Number 72 of 2021 by integrating enforceable legal criteria aimed at protecting children's rights. This rebuilding must affirm the government's legal obligation to ensure the fulfillment of children's rights to health, nourishment, and a healthy environment, and include administrative and judicial sanctions for institutions or officials who demonstrate neglect in their implementation. The modification is anticipated to strengthen the rule of law and guarantee the efficient execution of governmental duties.

Secondly, it is essential to incorporate the legal and social frameworks into the execution of stunting-reduction initiatives. The law should not remain merely a written regulation; it must integrate with society's social consciousness. Consequently, the socio-legal and living law frameworks should serve as a foundation for developing new policies, ensuring that the participation of communities, community organizations, religious institutions, and customary entities aligns with governmental initiatives. This engagement will enhance legal legitimacy and promote shared accountability for preventing and resolving stunting.

Third, the central and regional governments must strengthen human resource capacity to implement stunting-reduction programs. Government officials, health workers, and field workers need to be equipped with an understanding of the approach to children's rights and social justice so that every policy and action taken is not only administrative but also humanistic and oriented towards the best interests of children.

Fourth, it is essential to enhance a transparent and accountable legal framework for monitoring, evaluation, and reporting. The government should

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implement a cross-sectoral assessment framework that includes independent entities and civil society to ensure that policies align with the principles and objectives of justice. Consequently, the law not only governs but also oversees and guarantees the sustainability of governmental initiatives.

Fifth, the government needs to adopt a progressive legal approach, as Satjipto Rahardjo stated: the law must be on the side of humanity and the welfare of the people. The law on stunting must be alive, dynamic, and adaptable to the community's needs, not merely enforce rigid norms. With a progressive approach, the law will serve as a tool of social engineering that brings real change in people's lives.

The legal framework for combating stunting must highlight children as the central focus of national development policy. All legal policies regarding children must conform to the principles of equity, equality, and non-discrimination. The state possesses a constitutional and ethical duty to guarantee that every Indonesian kid matures in a healthy, intelligent, and dignified manner, ultimately contributing to the nation's future generation. Therefore, laws concerning stunting must emphasize human dignity, as stated by Satjipto Rahardjo: "the law exists for humans, not humans for the law."

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