Protection Of The Human Rights Of Children With Chronic Nutrition

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Protection Of The Human Rights Of Children With Chronic Nutrition

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Abstract

Children are a gift from God Almighty so their right to grow and develop must be protected. Fulfilling children's basic rights is an integral part of implementing the fulfillment of human rights. In human rights law, it is the responsibility of the state and the state's obligation to fulfill, protect and respect the human rights of children. The government has implemented the protection of children's rights in the health sector, especially chronic nutritional problems. Although it can be said that the fulfillment of rights for children suffering from chronic nutrition is still not optimal. This research uses normative doctrinal or juridical legal research. Legal information sources use primary legal materials (regulations and related documents) for qualitative analysis. The research results explain that children's rights that must be protected by the state and become a priority are health issues. The Convention on the Rights of the Child explains that children must be given good nutrition and proper health care so that children can grow and develop according to their age.

Keywords: Children, Chronic Nutrition, Armed Conflict.

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A. Introduction

Essentially, children are a gift from Almighty Allah to their parents. It is said to be a gift because not all families can be blessed with children even though they have been building a household for years. As an inseparable part of this gift, Allah instills a sense of love in both parents for their children. Every parent has a feeling of love and care for their child embedded in their heart.[1]

Children are a trust from God for the parents who receive them. As a trust given to children, they must receive good care and protection from their parents. Children have the right to receive protection, education and care, all of which are their rights. Concern for children began in 1920 after World War I. Because children and women were considered weak at that time. Then there are very serious concerns about women and children. One of the female activists was Eglantyne Jebb, who then developed points about children's rights in 1923 which were later adopted into the Save The Children Fund International Union, namely:[2]

a. Children must be protected beyond all considerations of race, nationality and belief
b. Children must be cared for while respecting the integrity of the family,
c. Children must be provided with the means necessary for normal development, both material, moral and spiritual,
d. Hungry children must be fed, sick children must be cared for, mentally handicapped or physically handicapped children must be educated, orphans and neglected children must be/be given understanding,
e. It is the child who must first receive help/assistance when adversity occurs, Children must enjoy and fully benefit from welfare and social security programs, receive training so that when necessary they can be used to earn a living, and must receive protection from all forms of exploitation and,
f. Children must be cared for and educated with an understanding that their talents are needed for service to fellow people

[1] Ibnu Anshori. 2007. *Perlindungan Anak Menurut Perspektif Islam*. KPAI. Jakarta. hal 15.
[2] Nursariani Simatupang, Faisal. 2018. Hukum *Perlindungan Anak*. Pustaka Prima. Medan. Hal 10

Furthermore, Eglantyne Jebb initiated the Convention on the Rights of the Child in 1923, through the Declaration of the Rights of the Child. Then the Declaration was adopted by the League of Nations and became known as the Geneva Declaration, and in 1948, the UN General Assembly also adopted it.

The position of children is very important for the progress of a country. Therefore, the state must be responsible for children who are part of that state. A form of state responsibility towards children is by making various rules or laws to provide child protection. With the birth of the child protection law, it will guarantee the rights of children so that they can live, grow, develop and participate optimally in accordance with human dignity and dignity, as well as receive protection. One of them is efforts to fulfill children's rights in health services, where every child has the right to good health services, the right to food (nutritional intake), the right to welfare.

According to Almatsier, malnutrition is one of the causes of death and morbidity in children under five. Malnutrition can be caused by a lack of nutritional intake or the body's inability to metabolize nutrients. Malnutrition status in toddlers is a disorder caused by primary factors and secondary factors.[3]

B. Discussion

1. Protection and Human Rights of Children

According to Human Rights Theory, natural rights: Human rights are rights that belong to all human beings at all times and in all places by virtue of being born as human beings). Human rights are rights that all humans have at all times and places based on their destiny as humans, including children as humans who are weak because of their existence as children.

The development of Human Rights was on December 10 1948 with the issuance of the Universal Declaration of Human Rights (UDHR). Children's rights in the UDHR are contained in Article 25 paragraph (2) of the UDHR which states that "Mothers and children have the right to receive special attention and assistance. All children, whether born within or outside marriage, must enjoy the same social protection." Not only did it issue the UDHR, then the UN on November 20 1959 also issued a Declaration of the Rights of the Child which stated that children must be guaranteed healthy growth and development and to achieve this goal there must be special care and protection for the child and his mother. Children have the right to adequate nutrition, housing, recreation and health services. The Convention on the Rights of the Child contains 54 articles which, based on their legal material, regulate children's rights and mechanisms for implementing children's rights by states as parties that ratify the Convention.[4] It can be seen that the unavailability of protection and health services for children can be categorized as a human rights violation. Violation of the right to health is a violation of the constitution.[5] Thus, the government's failure to maximize child health prevention and recovery program policies is a form of human rights violation committed by the state, because it does not fulfill children's constitutional rights.

Of the many children's rights that must be protected by the state and become a priority is health issues. Health is a priority besides education in the Convention on the Rights of the Child, because children must be given good nutrition and proper health care so that children can grow and develop according to their age.[6] Children's health problems in terms of nutrition are one of the UN's priorities regarding children's health. Nowadays it is known as Stunting.

The state's obligations and responsibilities in the context of human rights-based child protection are:[7]

a. Respect (obligation to respect) is the state's obligation not to interfere in regulating its citizens when exercising their rights. In this case, the state has an obligation to take actions that will hinder the fulfillment of all human rights of children suffering from stunting.

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[3] Almatseir s. 2011. *Prinsip Dasar Ilmu Gizi*. PT. Gramedia Pustaka Utama. Jakarta.

[4] Muhammad Haddad Fadlyansyah. 2020. *Analisis Konvensi Hak Anak Dalam Menjamin Perlindungan Kesehatan Anak Di Indonesia (Stunting)*. Journal Inicio Legis Volume 1 Nomor 1 Oktober 2020.Hal 5

[5] Majda El Muhtsj.2008. *Dimensi Dimensi HAM (Mengurai Hak EKonomi, Sosial Dan Budaya)* Jakarta: PT. Rajawali Press. Jakarta.

[6] Muhammad Haddad Fadlyansyah. *Op.,Cit*, hal.6.

[7] Nursariani Simatupang, Faisal. Hukum Perlindungan Anak, (Medan: Cv. Pustaka Prima.2018). hlm 35.

b. To protect (obligation to protect) is the state's obligation to act actively to provide guarantees of protection. This means that the state is obliged to take measures to prevent violations of all children's human rights by parties.
c. Fulfilling (obligation to fulfill) is the state's obligation and responsibility to act actively so that all citizens can have their rights fulfilled, including the rights of children suffering from stunting. The state is obliged to take legislative, administrative, legal and other measures to fully realize children's human rights.[8]

Guarantee of respect, protection and fulfillment of children's rights. The Convention on the Rights of the Child was initiated through the Declaration of the Rights of the Child which contains 10 statements regarding children's rights. 10 points of the Declaration of the Rights of Children, namely:

1) Children have the right to enjoy all the rights set out in this declaration. All children without exception are entitled to these rights, regardless of race, color, gender, language, religion, opinion in the political or other fields, origin or social rank, rich or poor, descent or status. both from his own perspective and from his family's perspective (principle 1).
2) Children have the right to obtain special protection, and must obtain opportunities and facilities guaranteed by law and other means so that physically, mentally, socially, spiritually, they can develop healthily and naturally in a state of freedom and dignity (principle 2).
3) From birth, children must have a name and nationality (principle 3).
4) Children must receive guarantees that they must grow and develop healthily. For this purpose, both before and after birth, there must be special care and protection for the child and his mother, children have the right to receive adequate nutrition, housing, recreation and health services (principle 4).
5) Children who grow up disabled and mentally or socially conditioned due to certain circumstances must receive special education, care and treatment (principle 5).
6) In order for their personalities to grow optimally and harmoniously, children need love and understanding. As far as possible they should be raised under the care and responsibility of their own parents, and in any case it should be ensured that they remain in an atmosphere full of affection, healthy physically and spiritually. Children under fifteen years of age are not permitted to be separated from their mothers. Society and the authorities are obliged to provide special care to children who do not have families and to children who cannot afford it. It is hoped that the government or other parties will provide financial assistance for children from large families (principle 6).
7) Children have the right to receive free compulsory education at least at primary school level. They should receive an education which will enhance their general knowledge, and which will enable them, on the basis of equal opportunities, to develop their abilities, personal opinions, and feelings of moral and social responsibility, so that they may become useful members of society. The interests of children must be used as the basis for guidance by those responsible for the education and guidance of the children concerned, first of all, this responsibility lies with their parents. Children must be directed towards educational goals, society and competent authorities must strive to improve this implementation (principle 7).
8) Under all circumstances, children must be prioritized in receiving protection and assistance (principle 8).
9) Children must be protected from all waste, cruelty and oppression. In any form, they must not be “commercial material”. It is not permissible to employ underage children, for whatever reason, they must not be involved in work that could be detrimental to their health or education, or that could affect their physical, mental or moral development (principle 9).
10) Children must be protected from actions that lead to other forms of discrimination. They must be raised in a spirit of understanding, tolerance and friendship between nations, peace and universal brotherhood and with full awareness their energy and talents must be immortalized to all humans (principle 10).

[8] Ashry. 2018. *Bahan Ajar Hak Asasi Manusia*. Makassar.

State Responsibility towards Children Suffering from Chronic Malnutrition

Stunting is a condition of failure to thrive in children under five (babies under five years) resulting from chronic malnutrition so that the child is too short for his age. This nutritional deficiency occurs when the baby is in the womb and in the early days after the baby is born, however, stunting only appears after the baby is 2 years old. Malnutrition in children reflects the condition of failure to thrive in children under five years old, so that children are too short for their age. This is caused by chronic malnutrition that occurs from the time the baby in the womb until the age of two years. Thus, the period of the first 1,000 days of life should receive special attention because it determines the level of physical growth. intelligence and a person's future productivity.

Several studies show that the factors causing malnutrition in children are low energy intake, infectious diseases, low maternal education, children not receiving exclusive breast milk, low protein intake, low father's education and working mothers[9] whose gestational age is too young. (under 20 years) are at risk of giving birth to babies with low birth weight. Low nutritional intake for prospective pregnant mothers (adolescent girls) and low attention of mothers to exclusively breastfeed their children up to 6 months, inadequate provision of complementary foods for breast milk.[10] Then there are limited health services including Ante Natal Care (health services for mothers during pregnancy), Post Natal Care (health services for mothers after giving birth), and quality early learning.

Nutritional status is known as one of the aspects and indicators that can show the achievement of health development. This is because the nutritional aspect plays an important role in the formation and development of human resources. One focus of intervention and nutritional problems that still exist in Indonesia and in the world is nutrition for children under five. The age of toddlers is classified as zero to less than five years old. The under-five age group is known to be one of the nutritionally vulnerable groups, associated with high levels of malnutrition and chronic malnutrition, which results in an increase in infections, inhibition of growth and development and degradation of health conditions in adulthood. Chronic malnutrition is known to be a health problem that has not been completely addressed, so serious intervention and treatment is needed. This means that chronic nutritional problems can have an impact on the long-term development of children under five, thereby increasing the risk of morbidity and mortality.[11]

According to Damayanti Rusli, one of the main factors in the high level of chronic nutritional problems in Indonesia is poor nutritional intake from in the womb to birth until the age of two years. Malnutrition in the first two years can cause permanent brain damage in children. Thus, malnutrition not only threatens children's development and physical health but can also cause poverty because brain damage can affect intelligence, making it difficult for children with chronic nutrition to find work.[12]

According to Titon Slamet Kurnia, the occurrence of malnutrition is a failure of the government to achieve food security, both as administrator and regulator. This failure confirmed that the government had violated legal obligations, although the government later tried to evade responsibility by proposing various excuses such as unfavorable natural conditions, the economy and so on.[13] Malnutrition not only has an impact on children's health and intelligence levels, but can affect the future of children and the nation and can cause death.

In overcoming children's health problems, the government has established one of the priority programs based on Law no. 36 of 2009 concerning Health and Law no. 18 of 2012 concerning Food. On this basis, the government made several policies, namely establishing Presidential Regulation Number 42 of 2013 which regulates the Implementation of the National Movement for the Acceleration of Nutrition Improvement. Government program policies relating to handling nutritional restoration as a manifestation of protecting children's rights are a constitutional order that protection of children is part

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[9] Zian Mugianti, Sri, dkk. 2018. *Faktor Penyebab Anak Stunting Usia 25-60 Bulan di Kecamatan Sukorejo Kota Blitar 1*, Ners, Jurnal Kebidanan, D A N Volume 5: hal 268–278)

[10] (Kementerian Kesehatan RI, ‘Buletin : Situasi Balita Pendek (*Stunting*) di Indonesia).

[11] Dewi Puji Lestari. Februari 2022. Upaya Pencegahan Risiko Gizi Buruk pada Balita: Literature Review. Jurnal Ilmiah Universitas Batanghari Jambi, 22(1), Hal 532-536

[12] (Tuti Haryanti, Nurhayati. 2019. *Penegakan Hukum Hak Asasi Manusia Bagi Anak Penderita Stunting*. Jurnal HAM Vol. 10 No. 2, Desember.

[13] Titon Slamet Kurnia. 2007. *Hak Atas Derajat Kesehatan Optimal Sebagai HAM di Indonesia*. PT. Alumni. Bandung.

of human rights. Therefore, recovering children from chronic nutritional problems is the responsibility of the state. As a form of state responsibility, the government has made many efforts to fulfill and protect children's right to health, starting from national and regional campaign movements; advocacy and outreach across sectors and institutions; dialogue to encourage cooperation and contributions; training and discussion; direct (specific) nutritional intervention activities; indirect (sensitive) nutritional interventions, fulfilling nutritional intake and health assistance for poor families, adequate health facilities, access to clean water.[14]

Multi-stakeholder collaboration or partnerships are needed in efforts to accelerate the fulfillment of children's rights to health. Apart from the private sector, this partnership activity must also continue to be developed, considering that the government cannot solve these problems alone, without the help of other parties. The government seeks to prevent chronic nutritional problems not only at the central level, but must also occur at the regional level up to the village level. However, various obstacles are still found in its implementation, including the ineffectiveness of prevention programs and the ineffective and efficient allocation and utilization of resources and funding sources. Add to this the increasing unemployment rate and poverty rate, so it is possible that the rate of chronic malnutrition in children could also increase.

C. Conclusion

The development of Human Rights, namely on December 10 1948 with the issuance of the Universal Declaration of Human Rights (UDHR). Children's rights in the UDHR are contained in Article 25 paragraph (2) of the UDHR which states that "Mothers and children have the right to receive special attention and assistance. All children, whether born within or outside of marriage, must enjoy the same social protection. Guarantees of respect, protection and fulfillment of children's rights. The Convention on the Rights of the Child was initiated through the Declaration of the Rights of the Child which contains 10 points

The country, in this case the government, has implemented various stunting prevention and management programs as an effort to protect children's human rights, but the implementation has not been optimal. Stunting or the occurrence of malnutrition is the government's failure to achieve food security, both as administrators and as regulators. This failure confirms the existence of legal obligations that the government has violated.

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