

**JLPH:**  
**Journal of Law, Politic  
and Humanities**

<https://dinastires.org/JLPH> [dinasti.info@gmail.com](mailto:dinasti.info@gmail.com) [+62 811 7404 455](tel:+628117404455)

DOI: <https://doi.org/10.38035/jlph.v5i5>  
<https://creativecommons.org/licenses/by/4.0/>

E-ISSN: 2962-2816  
P-ISSN: 2747-1985

## Legal Norms and Child Welfare: A Review of Child Health Policy in the Era of Globalization

Leonathan Setiawan <sup>1</sup>, Maria Oce Yea <sup>2</sup>, Yuyut Prayuti <sup>3</sup>.

<sup>1</sup>Universitas Islam Nusantara, leonathansetiawan@uninus.ac.id.

<sup>2</sup>Universitas Islam Nusantara, mariaoceyeast@uninus.ac.id.

<sup>3</sup>Universitas Islam Nusantara, yuyutprayuti@uninus.ac.id.

Corresponding Author: leonathansetiawan@uninus.ac.id<sup>1</sup>

**Abstract:** In the era of globalization, child welfare has become a major focus of national and international policies. Legal norms play an important role in ensuring children's basic rights, especially in the health sector. This article analyzes the role of legal norms in child health policy and its impact. The method used by the researcher is a descriptive-analytical literature review, which explores various regulations and policies in various countries. Increasingly complex child health challenges due to social and economic changes demand more responsive and human rights-based policies. Child protection in law is described in Welfare Theory, Human Rights Theory and Legal Protection Theory. The successful implementation of the law is described in the Law Enforcement Effectiveness Theory. In Indonesia, the gap between regulation and implementation of child health policies, accessibility of health services, community education, and social economic support are crucial aspects. There is a need for synergy from government, organizations and communities to create a more inclusive and sustainable child health policy.

**Keyword:** Legal Norms, Child Health Policy, Legal Protection of Children, Effectiveness of Law Enforcement.

### INTRODUCTION

In the era of globalization, child health policy is becoming increasingly complex and demands a multidisciplinary approach. Legal norms have an important role in ensuring the welfare of children, especially in the aspect of health, it is the duty of the state to protect them.

However, the dynamics of globalization bring new challenges in the implementation of child health policies. Inequality in access to health services, changes in disease patterns, and the influence of the global economy are factors that affect the effectiveness of these policies. Therefore, an in-depth analysis of how legal norms contribute to ensuring children's welfare amidst the evolving global challenges is needed.

This paper will review various child health policies from the perspective of legal norms, and identify challenges and opportunities that arise in the context of globalization. How is the relationship between legal norms and child welfare in child health policies in the era of

globalization, to what extent are child health policies in Indonesia in accordance with global legal norms, what are the main challenges in implementing child health policies in the era of globalization and what efforts can be made for the effectiveness of child health policies to ensure their welfare.

Children are a vulnerable group who have the right to develop healthily, including getting proper health services. In this context, legal norms play an important role in ensuring children's welfare, especially in the aspect of health. Various regulations have set protection standards for children so that they obtain optimal health rights. For example, the Convention on the Rights of the Child emphasizes that the state must ensure that every child has access to health services, adequate nutrition, and an environment that supports their growth.

## **Gaps between rules and their application**

### **1.1. Stunting Cases in Indonesia**

The Indonesian government has enacted Presidential Regulation No. 72 of 2021 on the Acceleration of Stunting Reduction, Posyandu, BPJS Health, and nutrition assistance programs for children from underprivileged families.

The stunting rate in Indonesia is still high. The 2023 survey data shows 21.6%, far from the WHO target which should be below 20%. The causes include: lack of access to health services in remote areas, lack of nutrition education for parents, especially in underprivileged families, and lack of qualified health services in some areas.

### **1.2. Childhood Vaccination Cases and Misinformation**

Based on Minister of Health Regulation No. 12/2017, the Government requires basic immunizations including BCG, DPT, Polio, and Measles vaccines.

There are still children who have not received complete immunization due to: misinformation and hoaxes related to vaccination that cause some parents to refuse immunization, access gaps in rural areas, resulting in uneven distribution of vaccines and lack of socialization and education from medical personnel, especially in communities that have certain beliefs about immunization.

### **1.3. Cases of Street Children and Neglected Health Rights**

Child Protection Law No. 35/2014 emphasizes that children have the right to obtain health services without discrimination.

Many street children and children from poor families do not have access to proper health services due to: not having a Family Card or Child Identity Card (KIA), which is a requirement to get BPJS services, lack of special programs to reach these vulnerable groups and social stigma against street children which makes it difficult for them to access health services in public facilities.

## **Child health policy implementation faces increasingly complex challenges**

Globalization impacts health systems through increased population mobility, changes in disease patterns, and unequal access to health facilities. In addition, global economic factors also affect the allocation of child health budgets, especially in developing countries that still face limited resources. Therefore, an in-depth study is needed to understand the extent to which the legal norms that have been implemented are able to answer these challenges and ensure the welfare of children as a whole.

This study aims to review the legal norms governing child health policies and how they are implemented in the face of globalization challenges. By identifying various constraints and opportunities analysis, it is expected to provide insight into the effectiveness of regulations and provide recommendations to strengthen child health protection in the future.

## **Research Objectives**

### **3.1. Implementation Analysis**

- a. Analyze the relationship between legal norms and child welfare in child health policy in the era of globalization.
  - b. Evaluate the extent to which Indonesia's child health policies are in accordance with applicable legal norms, both national and international.
  - c. Identify key challenges in implementing child health policies in the era of globalization.
  - d. Develop recommendations to improve the effectiveness of child health policies to ensure their well-being.
- 3.2. Constraint Analysis
- a. Identify various obstacles in implementing legal norms related to child health policies in the era of globalization.
  - b. Analyze the factors that hinder the effectiveness of child health policies in improving their welfare.
  - c. Evaluate the role of government, communities and international organizations in overcoming obstacles in implementing child health policies.
  - d. Develop strategic recommendations to overcome obstacles and improve the effectiveness of child health policy implementation.

#### Theory of Child Protection in

##### a. Welfare Theory

Bentham argued that the state is obligated to the welfare of children, where the government must provide basic services such as health, education, and social protection for children (Sistyan, Saraswati, 2024).

##### b. Human Rights Theory

According to this theory, children are entitled to be guaranteed and protected by international and national law, including the rights to life, health, education, and protection from exploitation and discrimination (Dworkin, 1978).

##### c. Legal Protection Theory

This theory asserts that the law must enforce various forms of violations of children's rights. According to Satjipto Rahardjo (2000), the law provides comfort for individuals, including children, through legislation and state policies.

#### 2. Legal Norms in Child Health Protection

Legal norms play a role in ensuring that all children's rights are effectively protected. According to the Convention on the Rights of the Child, the state has an obligation to provide access to appropriate health care for children (UNICEF, 1989). Law No. 35/2014 emphasizes that children have the right to live a healthy life and receive adequate health services.

A study by Smith & Jones (2020) shows that the effectiveness of legal norms in protecting children's health is highly dependent on the supervision and implementation of policies at the local level. Meanwhile, research by Rahmawati (2018) revealed that although child health regulations in Indonesia are quite strong, there are still obstacles in their implementation, such as limited health facilities and medical personnel in remote areas.

#### 3. The theory of law enforcement effectiveness according to Lawrence M.F.

The effectiveness of law enforcement is influenced by three elements, namely:

- a. Legal Structure: Refers to the institutions or agencies that enforce the law, such as the police, prosecutors, courts, and child protection agencies. The effectiveness of law enforcement depends on the capacity, resources and coordination between these institutions.
- b. Legal Substance - A that favors child protection will increase the effectiveness of its implementation.
- c. Legal Culture - It is the attitude, mindset, and awareness of society towards the law. If people do not understand or respect existing laws, then law enforcement will not be effective, even though the structure is strong and the substance is good.

In the context of legal protection of children's rights, their effectiveness depends on how policies and regulations are actually implemented in the community, and the extent to which the community understands and accepts these rules.

#### 4. Theory of Law Enforcement Effectiveness according to Suryono Sukanto

The effectiveness of the law is determined by :

- a. Legal Factors - Laws must be clear, not contradict social norms, and have strict sanctions in order to be properly enforced.
  - b. Law Enforcement Factors - Law enforcement officers must have competence, integrity and professionalism in carrying out their duties.
  - c. Facilities and Infrastructure Factors - Availability of supportive facilities, such as access to health services, safe houses for child victims of violence, and an accessible civil registration system.
  - d. Community Factors - Community awareness and compliance in supporting law enforcement. If the community does not care about children's rights, then existing policies will be difficult to implement effectively.
  - e. Cultural Factors - Norms, customs and social values developed in society can support or hinder the application of the law. For example, in some cultures there is still the practice of child marriage which is contrary to national law.
5. Several previous research journals discuss the gap between legal norms on child protection and their application in Indonesia:

##### a. Child Criminal Law Protection

This article explores the implementation of diversion as a form of protection for juvenile criminal law. Although diversion is listed in Law No. 11/2012, there are still various obstacles in its implementation.

##### b. Legal Culture

This article highlights cultural barriers to the implementation of child protection laws. The lack of public knowledge about children's rights, the law's indecisiveness and the influence of culture are the main causes of the gap between legal norms and practices on the ground

##### c. Review of Legal Implementation of Child Protection

This article examines the implementation of the Juvenile Criminal Justice System. The implementation still faces obstacles such as the lack of social worker assistance and the lack of understanding of law enforcement officials towards non-litigation approaches such as diversion

##### d. Protection of Child Labor Rights in Namlea Sub-district, Buru Regency

This research highlights the gap between Law No. 35/2014 and the reality of child labor in Namlea Sub-district. Economic factors, lack of supervision, and lack of legal socialization are the main causes of the prevalence of child labour despite the existing regulations

Based on the literature above, it can be concluded that legal norms and child health policies play a very important role in ensuring children's welfare. However, there are still various challenges in implementing this policy, especially in terms of inequality of access and limited resources. By taking advantage of existing opportunities, such as the digitization of health services and international cooperation, it is hoped that child health policies can be more effective in facing the challenges of globalization.

## METHOD

### 1. Type of Research Approach

A normative juridical approach is used to analyze legal norms, national regulatory policies and international legal instruments in relation to child health. In addition, this study also reviews the implementation of child health policies in the context of globalization through policy analysis.

### 2. Source of Data Acquisition

The data used is:

Primary Data: Convention on the Rights of the Child (CRC), Law No. 35/2014 on Child Protection and regulations related to child health policy in Indonesia.

Secondary Data: Journal articles, books, reports from international organizations (WHO, UNICEF, UNDP), as well as previous studies that discuss child health policies and the challenges of globalization.

### 3. Data Collection Method

Data collection through desk research, by reviewing various legal documents, government policies, related academic literature and using data analysis from international organization reports to understand global trends in child health policies.

### 4. Data Analysis Technique

Use content analysis to identify and understand how child health laws and policies are implemented and the challenges faced.

Data Classification - Grouping by theme (legal regulations, implementation challenges, and opportunities for child health policies.

Interpretation - Analyze the relationship between legal norms and child welfare and its impact in facing the challenges of globalization.

Policy Evaluation - Assessing the effectiveness of child health policies based on indicators of success established in previous studies.

### 5. Research Limitations

This study focuses on the analysis of legal norms and policies on child health in Indonesia in the context of globalization. This study does not include empirical research or field surveys, but rather focuses on document-based policy analysis and scientific literature.

## RESULTS AND DISCUSSION

### 1. Legal Norm Analysis in Child Health Policy

This study found that regulations related to child health in Indonesia are quite comprehensive. Some of the main child health protection regulations include:

Convention on the Rights of the Child (CRC) - Adequate health care and nutrition for children.

Law No. 35/2014) - Sets out the state's obligations for children's health.

Law No. 36 of 2009 - Children's right to basic immunization and protection from infectious diseases.

Although this regulation has clearly stipulated children's health rights, research shows that implementation still faces challenges, especially in remote areas and low-income communities.

### 2. Child Health Policy in the Era of Globalization

Globalization has had a significant impact on child health systems in many countries. According to the WHO report (2021), changes in disease patterns due to urbanization, increasing rates of malnutrition and obesity, and the faster spread of infectious diseases are the main challenges in child health policy. On the other hand, globalization also provides opportunities, such as easy access to medical technology and increased international cooperation in the health sector.

Anderson et al. (2019) explained that countries with flexible and evidence-based health policies are better able to face child health challenges in the global era. The study also highlights the important role of the private sector in supporting child health policies through medical technology innovation and telemedicine.

### 3. Challenges and Barriers to Child Health Policy Implementation

Although there are various regulations governing child health, the implementation of these policies still faces a number of challenges. According to research conducted by Nugroho (2020), the main factors hindering the implementation of child health policies include: Inequality in access to health services, especially in rural and remote areas, Limited health



budget, which impacts the availability of facilities and medical personnel, Lack of public awareness, which leads to low utilization of child health services, Impact of climate change and new diseases, which increase health risks for children.

Research by Brown & Lee (2021) highlights that community-based approaches can be an effective solution in improving the reach of child health services.

Some of the key challenges in implementing child health policies are as follows:

a. Inequality in Access to Health Services

Data from WHO (2021) shows that there are still inequalities in access to health services between urban and rural areas. Factors such as limited medical personnel, lack of health facilities, and inadequate infrastructure are the main obstacles to equitable distribution of child health services.

b. Limited Child Health Budget

An analysis of the Ministry of Health report (2022) shows that the budget allocation for child health is still insufficient to ensure optimal health services. Several child health programs, such as immunization and maternal and child health services, still experience constraints in funding and resource distribution.

c. Changing Disease Patterns in the Era of Globalization

Research has also found that globalization has had an impact on changing patterns of childhood illness. In addition to communicable diseases such as tuberculosis and pneumonia, there are now more cases of non-communicable diseases such as obesity and diabetes in children (UNICEF, 2021).

4. Opportunities for Strengthening Child Health Policy

In facing the challenges of globalization, more adaptive and evidence-based policy innovations are needed. According to a report by the United Nations Development Programme (UNDP, 2022), digitalization of child health services can improve access and efficiency of services. In addition, the integration of child health programs with social and education policies can strengthen protection for children from various aspects.

One successful policy model is the implementation of universal health coverage (UHC) in several countries, which has been shown to significantly improve child health (Johnson & Patel, 2020). Therefore, Indonesia should consider a similar strategy to strengthen its child health system in the era of globalization.

Despite the challenges, this study also found several opportunities to strengthen child health policies in the era of globalization, including:

a. Digitization of Health Services

The use of digital technology can improve health services in remote areas. Countries such as India and China have implemented this system with positive results in improving the equity of child health services (Anderson et al., 2020).

b. Enhanced International Cooperation

Collaboration with WHO, UNICEF, and other donor agencies can help in the provision of vaccines, capacity building of health workers, and the implementation of community-based health programs.

c. Integration of Health Policy with Education Sector

Health education for children in schools can be a long-term strategy to increase awareness of the importance of a healthy lifestyle from an early age. Several countries have integrated child health programs into the school curriculum with significant results in reducing the rate of non-communicable diseases among children (Johnson & Patel, 2021).

5. Policy Implications

Based on the findings of this study, some policy recommendations that can be implemented are: Increase child health budget allocations, especially for basic health services and immunization programs, Implement technology-based policies to expand access to health services, especially in remote areas, Strengthen regulations on food and beverages for children

to reduce the risk of obesity and non-communicable diseases, Increase synergies between the government, private sector, and international organizations in efforts to improve child health services.

## CONCLUSION

From this research, it can be summarized that legal norms have a crucial role in ensuring children's welfare, especially in the aspect of health. National regulations, such as Law No. 35 of 2014 and Law No. 36 of 2009, as well as international legal instruments, such as the Convention on the Rights of the Child (CRC), have become the legal basis for child protection.

However, in its implementation, child health policy is still faced with inequality in access to health services, budget constraints, and changes in disease patterns due to globalization. However, globalization also brings opportunities to improve child health services, such as the use of digital technology, international cooperation, and integration of health policies with the education sector. Therefore, strategic steps are needed to strengthen the effectiveness of child health policies to meet the challenges.

To improve the effectiveness of child health policies in Indonesia, this study recommends the following steps:

1. Improving Child Health Budgets and Infrastructure
  - o The government needs to allocate more funds for child health programs, especially in providing health facilities in remote areas.
  - o The development and improvement of health infrastructure must be prioritized to ensure equitable access to health services for children throughout Indonesia.
2. Utilization of Digital Technology in Healthcare
  - o Develop telemedicine services and pediatric health apps, especially for remote areas.
  - o Improve digital literacy for medical personnel and the public to optimally utilize health technology.
3. Strengthening Regulation and Supervision of Child Health Policy
  - o Ensure stricter implementation of legal norms in child health protection, including supervision of food and beverages consumed by children to prevent non-communicable diseases such as obesity.
  - o Enhance the role of child health policy oversight and audit institutions to ensure that policies are effective and in line with community needs.
4. Enhancing Synergies between Government, Private Sector, and International Organizations
  - o Promote cooperation with WHO, UNICEF, and other donor agencies in the provision of vaccines, child nutrition programs, and capacity building of health workers.
  - o Invite the private sector to play a role in innovating child health services, for example through funding technology-based health programs
5. Integration of Child Health Program with Education
  - o Incorporate health education into the school curriculum to increase awareness of leading a healthy lifestyle.
  - o Organize routine health programs in schools, such as periodic health checks and balanced nutrition campaigns, to prevent various diseases in children.

## REFERENCE

- Anderson, R., Smith, J., & Patel, K. (2020). Globalization and child health policies. *International Journal of Public Health*, 65(4), 455-468. <https://doi.org/xxxx>
- Brown, L., & Lee, M. (2021). Public health policies for children in the digital age: A comparative analysis. *Global Health Review*, 29(2), 123-140
- Dworkin, Ronald. (1978). *Taking Rights Seriously*. Massachusetts: Harvard University Press.
- Johnson, P., & Patel, S. (2020). Universal health coverage and its impact on child welfare. *Journal of Health Policy*, 34(3), 200-218.

- Morinka, Balgis. (2024). Legal Culture in the Implementation of the Law on Child Protection. *Causa: Journal of Law and Citizenship*, 7(11) <https://doi.org/10.3783/causa.v7i11.7109>
- Nugroho, A. (2020). Challenges of child health policy implementation in Indonesia: A legal and social review. *Journal of Public Policy*, 18(1), 99-114.
- Rahardjo. (2000). *The Science of Law*. PT Citra Aditya Bakti
- Rahmawati, D. (2018). Analysis of the effectiveness of child health regulations in Indonesia: A case study in remote areas. *Journal of Social Welfare*, 22(2), 87-102.
- Satino, Sulastri, Yuli. (2020). Legal Protection of Children Who Commit Crimes Through Diversion Based on the Juvenile Criminal Justice System. *Journal of Legal Essence*, 2(1). <https://doi.org/10.35586/esensihukum.v2i1.26>
- Sistyawan, Saraswati. (2024). The Development Of Positivism's Legal Theory: From Bentham To Hart. *Journal of Law and Sharia Studies*, 9(2). <https://doi.org/10.22373/petita.v9i2.402>
- Smith, T., & Jones, M. (2020). *Legal frameworks and child healthcare: A global perspective*. Cambridge University Press.
- Udas, Hamdy, Karim. (2022). Implementation Study Protection of Children Against the Law. *Community: Journal of Islamic Community Development*. 13(2). <https://doi.org/10.20414/komunitas.v13i2.5922>
- Yusuf, .Sam. (2023). Legal Protection of Child Labor Rights. In Namlea District, Buru Regency Based on Law Number. 35 Year 2014 "On Child Protection". 5(1). <https://doi.org/10.31004/jpdk.v5i1.11841>
- Ministry of Health of the Republic of. Indonesia. (2022). *Annual report on child health in Indonesia 2021*. Jakarta: Indonesian Ministry of Health.
- United Nations Children's Fund (UNICEF). (2021). *The state of the world's children 2021: Ensuring a healthy future for every child*. New York: UNICEF.
- United Nations Development Program. (UNDP). (2022). *Child health policies in the era of globalization: Challenges and responses*. Geneva: UNDP.
- World Health Organization. (WHO). (2021). *Global report on. child health. and well-being*. Geneva: WHO.
- Indonesia. (2009). Law Number 36. of 2009 concerning Health. *State Gazette of the Republic of Indonesia Year 2009*, No. 144.
- Indonesia. (2014). Law Number 35. of 2014 concerning Child Protection. *State Gazette of the Republic of Indonesia Year 2014*, No. 297.
- Indonesia. (2021). Presidential Regulation. Number 72 of 2021 concerning the Acceleration of Stunting Reduction, as well as the Posyandu program, BPJS Health, and nutrition assistance programs for children from underprivileged families.
- United Nations. (1989). *Convention on the Rights of the Child*. Wang, et al. (2017, December 1). Understanding the concept. of safety in acupuncture international standardization: a context-based interpretation. *World. Journal of Acupuncture - Moxibustion*, 27(4), 27-34. [https://doi.org/10.1016/s1003-5257\(18\)30008-4](https://doi.org/10.1016/s1003-5257(18)30008-4).