



## The Fulfillment of the Right to Clean Water for Maternal and Child Welfare in Coastal Areas of Lampung Province Indonesia

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### Abstract

The percentage of households with access to safe drinking water in Lampung Province is 82.78%, and regarding access to proper sanitation, Lampung Province has a percentage of 84.58%. This figure does not yet account for the difficulties in providing clean water access to coastal communities, which affects the fulfillment of maternal and child welfare. This research used the doctrinal method of legal research. This study concentrates on doctrines which are syntheses of rules, principles, norms, or interpretative guidelines and values, and proceeds with both locating the sources of law and interpreting or analysing the text. Based on this study, the fulfillment of the right to clean water, particularly for mothers and children in coastal communities, is not only a fundamental right enshrined in the constitution but also a duty and responsibility of both the central and regional governments. This is essential for meeting the basic rights and needs of mothers and children, including physical, psychological, social, economic, spiritual, and religious aspects, allowing them to develop and participate optimally in accordance with their social functions in the development of community life.

**Keywords:** Coastal Area, Maternal and Child Welfare, Right to Clean Water

### Abstrak

Persentase rumah tangga yang memiliki akses terhadap air minum layak di Provinsi Lampung sebesar 82,78% dan dalam hal akses sanitasi layak, Provinsi Lampung memiliki persentase 84,58%. Persentase ini tentunya belum mempertimbangkan sulitnya pemenuhan akses air bersih bagi masyarakat pesisir yang berdampak pada

*terjaminnya kesejahteraan Ibu dan Anak. Penelitian ini menggunakan metode penelitian hukum doctrinal. Penelitian ini mengkhususkan pada doktrin yang merupakan sintesis dari aturan, prinsip, norma atau pedoman interpretative dan nilai-nilai. Selain itu penelitian ini juga melibatkan pencarian sumber hukum dan menginterpretasikan atau menganalisis literatur. Berdasarkan penelitian ini, selain merupakan hak fundamental yang diatur dalam konstitusi, pemenuhan hak atas air bersih khususnya bagi ibu dan anak di masyarakat pesisir merupakan suatu kewajiban yang dan tanggung jawab pemerintah pusat dan daerah. Hal ini dilakukan demi terpenuhinya hak dan kebutuhan dasar ibu dan anak yang meliputi fisik, psikis, sosial, ekonomi, spiritual, dan keagamaan sehingga dapat mengembangkan diri dan berpartisipasi secara optimal sesuai dengan fungsi sosial dalam perkembangan kehidupan masyarakat.*

**Kata Kunci:** *Daerah Pesisir, Kesejahteraan Ibu dan Anak, Hak atas Air Bersih*

### **Introduction**

The issue of clean water access is a fundamental yet critical need, especially regarding the fulfillment of maternal and child health. A review of 20 articles found that access to clean water and sanitation services were linked to stunting in children under five (Nasyidah et al., 2023). Several studies link the condition of clean water and poor sanitation quality to its negative impacts on children, including mortality rates (Benova et al., 2014; Fink et al., 2011). In addition to contamination of water sources, this is often exacerbated by poor hand hygiene and limited access to clean water itself (Benova et al., 2014; Brown et al., 2013). For example, research from the late 18th century demonstrated that puerperal sepsis, a leading cause of maternal mortality, was not only contagious but also caused by poor hand hygiene in delivery facilities (Benova et al., 2014).

According to the Central Bureau of Statistics (Badan Pusat Statistik Indonesia), in 2023, the percentage of households with access to safe drinking water in Lampung Province was 82.78%. This means that 8 out of 10 households in Lampung Province have access to safe drinking water. However, there are still areas in Lampung Province with low access to safe drinking water.

Access to safe drinking water is defined as the main source of drinking water coming from piped water, drilled wells or pump wells, protected/unprotected wells, protected/unprotected springs, and rainwater. It also includes situations where the main water source used by households comes from branded bottled water or refillable water. The distribution of households by the main water source used for drinking in Lampung Province in 2023 shows that the most common source is unprotected/protected wells, at 49.47%.

Regarding access to proper sanitation, Lampung Province ranks 14th out of 34 provinces in Indonesia with a percentage of 84.58%. This figure does not yet account for the challenges faced by communities that have historically struggled to access proper sanitation and clean water, such as those in coastal communities in Lampung Province.

Major issue that diminishes the availability of clean water for people in coastal regions is the contamination of freshwater sources by seawater intrusion (Nurhayati et al., 2024). As sea levels rise and groundwater extraction continues, saltwater can intrude into freshwater aquifers. The water becoming undrinkable and further exacerbating the already limited water resources in these areas.

People in coastal areas usually relies on use of simple filtration, small-scale desalination technology, and rainwater. Some people use drilled wells in some coastal areas even though the initial cost is quite high (Nurhayati et al., 2024). Many use simple filtration methods to clean water, such as sand filters or activated carbon, to make it safer for drinking. However, these systems are not always sufficient, especially when dealing with saltwater or water contaminated by bacteria and other pathogens. Some coastal communities have turned to small-scale desalination technologies, such as reverse osmosis, to remove salts from seawater and make it usable. While desalination offers a viable solution, it comes with its own set of challenges, such as high energy consumption, maintenance costs, and environmental concerns related to the disposal of brine.

Based on work by Lenka, Oliver, and Oona in 2014, Four of five ecological studies that considered sanitation found that poor sanitation was associated with higher maternal mortality. Four of six ecological studies assessing water environment found that poor water environment was associated with higher maternal mortality. Two ecological and one facility-based study found an association between a combined measure of water and sanitation environment and maternal mortality (Benova et al., 2014). This indicates that coastal communities, which have struggled with access to clean water, will be significantly affected in terms of maternal and child welfare.

Freshwater availability is associated closely with natural factors and human activities (Wu et al., 2023). Therefore, this study will conduct a legal analysis regarding the fulfillment of rights and access to clean water by the government.

### **Method**

This research used the doctrinal method of legal research. This study concentrates on

doctrines which are syntheses of rules, principles, norms, or interpretative guidelines and values, and proceeds with both locating the sources of law and interpreting or analysing the text (Bhat, 2020; Nirmal & Singh, 2018). Doctrinal research involves rigorous analysis and creative synthesis, the making of connection between seemingly disparate doctrinal strands, and the challenge of extracting general principles from an inchoate mass of primary materials. It makes a unique blend of deduction and induction so that conceptual analysis of law and creative synthesis together build up the legal proposition which engages in theoretical discussion (Bhat, 2020).

### **Results**

#### **A. The fulfillment of clean water as a fundamental human needs.**

Water is an inseparable part of human rights itself. This right is implicitly articulated in the International Covenant on Economic, Social, and Cultural Rights, particularly in Article 11 concerning the right to an adequate standard of living on one hand, and the state's obligation to fulfill it on the other. Meanwhile, Article 12 addresses the right to physical and mental health, one of the essential components of which is environmental health, closely connected to water. This is explicitly included in the General Comment on the covenant.

Human rights, within the human rights discipline, are positioned as a "guaranteed constitutional right." As such, human rights are not "regulated rights," the fulfillment of which depends solely on laws or government regulations. Human rights embody universal values, which cannot be derogated, limited, or entirely removed, including through the laws applicable in a country.

More specifically, concerning the right to water, on April 27, 1999, the United Nations Commission on Human Rights adopted Decision 1999/108, which states that "the right to drinking water and sanitation services is a human right." Similarly, the Sub-Commission on Prevention of Discrimination and Protection of Minorities Resolution 1998/7 declared that "the right to drinking water and sanitation for every man, woman, and child is a fundamental principle of equality, human dignity, and social justice."

Furthermore, in Resolution No. 2000/8 adopted by the Sub-Commission on Human Rights, it is stated that "promotion of the realization of the right to drinking water and sanitation" is crucial. The Sub-Commission expressed concern about more than one million people worldwide who suffer from a lack of access to drinking water and more than four million people living in inadequate sanitation conditions. In this resolution, Article 2 also states that "... the effect that various obstacles linked to the realization of the right of everyone to drinking water supply and sanitation seriously impede the realization of economic, social and cultural rights, and that equality is an essential element for effective participation in the realization of the right to development and the right to a healthy environment." Such statements have been reiterated, as expressed in Commission on Human Rights Resolution 2003/71, "Human Rights and the Environment as part of sustainable development."

The right to water as a human right is enshrined in various international human rights standards and norms, such as the International Covenant on Economic, Social, and Cultural Rights, Articles 11 and 12, including General Comment No. 15 of 2002 adopted by the United Nations Committee on Economic, Social and Cultural Rights, titled "The Right to Water.

The importance of the right to water as a human right is enshrined in various international legal standards and norms, such as the United Nations Resolution adopted at the United Nations Water Conference, held in Mar del Plata, Argentina, from March 14 to March 25, 1977, the United Nations General Assembly Resolutions 35/18 on November 10, 1980, and 47/193 on December 22, 1992, concerning The International Drinking Water Supply and Sanitation Decade (1981-1990), as well as the statement on the celebration of World Water Day on March 22 each year.

In the Preamble of the Universal Declaration of Human Rights, paragraph 5 states: "Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women, and have determined to promote social progress and better standards of life in larger freedom."

This statement underscores that the right to water is fundamental and universally applicable, such that states and governments have an obligation to protect, respect, and fulfill this right. This aligns with the International Covenant on Economic, Social, and Cultural Rights, which is a part of International Customary Law (alongside the Universal Declaration of Human Rights and the Covenant on Civil and Political Rights). Therefore, even though Indonesia has not ratified it, this instrument is binding universally. This is also in accordance with the Fourth Preamble of the 1945 Constitution of Indonesia: "Furthermore, to establish an Indonesian Government that protects the entire Indonesian nation and all its territories, and to promote the general welfare, to educate the nation, and to contribute to the establishment of world peace based on

independence, eternal peace, and social justice, ..."

Viewed from any perspective, water is inseparable from life; indeed, water is life itself (*aqua vitae*, life water). From the perspective of human rights, in the relationship between the state and its citizens, the people are positioned as the right holders, while the state is the duty bearer. The fundamental duty of the state is to protect and guarantee the human rights of its citizens, one of which is the right to water, ensuring positive fulfillment or guaranteeing access to clean water for all of the people's needs, including domestic use, irrigation, and other production purposes.

This obligation is more explicitly articulated within the economic democracy system embraced by Indonesia, which is the people's economy system. Article 33 of the 1945 Constitution, as amended in its fourth amendment, clearly emphasizes this, particularly Articles 33 (2), (3), and (4), as well as Article 34 (3), which further affirms the state's obligation and responsibility in providing public services to the people, including the provision of clean and healthy water. In this regard, the state is responsible for fulfilling the human rights of its citizens.

#### **B. Right to Clean Water for Maternal and Child Welfare in Coastal Areas**

As previously mentioned, the provisions regarding clean water are relevant to the provisions in Articles 33 and 34 of the 1945 Constitution. However, when discussing the guarantee of access to clean water for the welfare of mothers and children, there are several provisions in the Constitution that are interrelated. In addition to the provisions in the Constitution that specifically address social welfare, guaranteeing the need for clean water

access for the welfare of mothers and children is essentially a form of fulfilling the right to life. The protection of the welfare of mothers and children is a human right directly regulated in the Constitution of Indonesia, particularly in Article 28B, paragraph (2), which states that "Every child has the right to life, to grow, and to develop, and has the right to protection from violence and discrimination." Not only for children, Article 28H, paragraph (1), also mentions that every person has the right to live a prosperous life, both physically and mentally, to have a place to live, and to obtain a good and healthy living environment, as well as the right to access healthcare services.

One of the regulations that specifically guarantees the health of mothers and children is Law No. 4 of 2024 on the Welfare of Mothers and Children During the First 1,000 Days of Life. The welfare of mothers and children to be achieved in this Law is a condition in which the basic rights and needs of mothers and children (from the formation of the fetus in the womb to the child's second year) are met, including physical, psychological, social, economic, spiritual, and religious needs, so that they can develop and participate optimally in accordance with their social functions in the development of community life.

Based on Article 4, paragraph (1) of the Law on the Welfare of Mothers and Children, every mother is entitled to:

- a. healthcare services that meet standards, are safe, of good quality, and accessible during the pre-pregnancy period, pregnancy, childbirth, and postpartum, along with health insurance as stipulated by health-related regulations;
- b. nutritional guarantees during pregnancy, childbirth, postpartum, and up to the child's 6th month;
- c. family planning services;

- d. fulfillment of social welfare;
  - e. support from the husband, family, professional companions, and/or other supporters during pregnancy, miscarriage, childbirth, and postpartum;
  - f. safety and comfort, as well as protection from all forms of violence, discrimination, neglect, exploitation, degrading treatment, human rights violations, and other unlawful treatment;
  - g. consultation services, psychological services, and/or religious guidance;
  - h. education, awareness development, knowledge, and skills about childcare, nurturing, feeding, and the child's growth and development;
  - i. special treatment and facilities at public facilities and infrastructure; and
  - j. the opportunity to become a breast milk donor for children who are unable to receive breast milk from their biological mothers due to certain conditions, in accordance with health-related regulations.
- h. receive the best and continuous caregiving and nurturing for optimal growth and development;
  - i. express themselves, play, and interact with peers; and
  - j. live in an environment that supports their growth and development.

It is important to note that in fulfilling the rights of mothers and children, providing access to clean water is crucial to achieving several aspects that have been outlined. In the context of ensuring access to safe, quality healthcare during pregnancy, childbirth, and postpartum, access to clean water plays a vital role, particularly in maintaining hygiene. This is necessary from the prenatal stage, for any medical procedures related to childbirth, and to ensure proper nutrition for the child's growth and development.

The government must also recognize that in addition to the fulfillment of maternal and child welfare through ensuring access to clean water being a constitutional and statutory obligation, this becomes even more crucial for communities located in coastal areas. Studies have been conducted on the impacts of the rise in sea levels on coastal aquifers, which show that salt water will contaminate fresh water and that is difficult to reverse once it has happened (Boisson de Chazournes, 2021; Niang, I., O.C. Ruppel, M.A. Abdrabo, A. Essel, C. Lennard, J. Padgham, n.d.). Climate change reveals the links between the environment and fresh water. It affects the environment and ecosystems, in particular through the medium of water. Among the anticipated consequences, climate change will result in significant variability in weather patterns, changes to precipitation levels, desertification, more frequent storms, and a rise in sea levels. Increases in droughts

Meanwhile, every child, based on Article 11, is entitled to:

- a. live, grow, and develop optimally;
- b. have an identity and citizenship status;
- c. receive exclusive breastfeeding from birth up to the age of 6 (six) months, with continued breastfeeding up to 2 (two) years, unless there is a medical indication, the mother is unavailable, or the mother is separated from the child;
- d. receive complementary feeding in accordance with standards from the age of 6 (six) months to 2 (two) years;
- e. receive nutritional guarantees from birth to the age of 2 (two) years;
- f. access healthcare and nutrition services according to age development and/or physical and mental needs;
- g. receive social welfare benefits;

and floods, as well as biodiversity loss has already been experienced in many parts of the world. Other impacts include greater hydrological hazards to human beings and a diminution in fresh water biota, as well as in vegetation that is reliant on fresh water (Boisson de Chazournes, 2021; Stoffel et al., 2018; Tignino & Bréthaut, 2018).

According to Article 14 (1) of the Law on the Welfare of Mothers and Children, the implementation of maternal and child welfare is the responsibility of the Central Government and Regional Governments in accordance with the provisions of applicable laws and regulations. In the implementation of maternal and child welfare, the Central Government and Regional Governments, in accordance with their authorities as stipulated in Article 13, are tasked with:

- a. Formulating and establishing regulations and/or policies regarding maternal and child welfare;
- b. Preparing and establishing long-term, medium-term, and annual plans related to maternal and child welfare;
- c. Allocating financial resources for the implementation of maternal and child welfare, integrated into planning and budgeting in accordance with the provisions of applicable laws and regulations;
- d. Implementing maternal and child welfare programs;
- e. Coordinating the implementation of maternal and child welfare with all stakeholders;
- f. Providing guidance, supervision, and evaluation of maternal and child welfare programs;
- g. Developing cooperation in the implementation of maternal and child welfare; and

- h. Enhancing public participation in the implementation of maternal and child welfare.

Therefore, as repeatedly mentioned, the fulfillment of access to clean water for maternal and child welfare must be incorporated into these obligations. Ensuring clean water access is not only a critical element for the health and well-being of mothers and children but also a fundamental responsibility of the government at both the central and regional levels. This obligation should be explicitly addressed in the formulation of policies related to maternal and child welfare, recognizing its vital role in achieving health and safety outcomes for these vulnerable groups without excluding the communities in coastal area.

### **Conclusion**

Access to clean water is a critical component of maternal and child welfare, particularly in coastal areas in Lampung Province. The right to clean water is not only a fundamental human right but also an essential factor in ensuring the health and well-being of mothers and children. This study highlights the interconnection between clean water access and the fulfillment of maternal and child welfare rights, illustrating the need for effective government action to ensure equitable water distribution, especially in coastal communities that are more vulnerable to environmental changes.

The legal obligations outlined in Indonesia's Constitution and the Law on the Welfare of Mothers and Children in providing access to clean water are correlated to the requirement for healthcare services that meet standards, are safe, of good quality, and accessible during the pre-pregnancy period, pregnancy, childbirth, and postpartum. Access to clean water is fundamental to ensuring that these healthcare

services can be effectively delivered, as it is essential for maintaining hygiene, preventing infections, and supporting proper nutrition, which are all crucial for the health of mothers and children.

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