

# Regulatory Effectiveness in Ensuring Access to Education and Child Health in Low Income Communities through Scholarship Equity

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## ABSTRACT

*This research aims to evaluate the effectiveness of the implementation of legal regulations in guaranteeing child rights in the education and health sectors, especially in low incomes communities and in equitable access to scholarship programs. Using a literature study approach based on normative and descriptive analysis, this research combed through laws and regulations, academic literature, and policy data related to the distribution of basic services. The analysis shows that there is a discrepancy between the content of regulations and their implementation in the field. This gap is caused by weak bureaucratic capacity, low community legal literacy, and minimum independent oversight. Programs designed for poor child, such as scholarships and basic health services, often do not reach their targets due to structural and political issues. Legal protection for child must be viewed not merely as a normative instrument, but as a distributional justice framework that must be monitored dynamically and data-driven. This research provides a conceptual basis for strengthening legal effectiveness in the framework of social equity and child protection.*

## INTRODUCTION

In contemporary social structures, guaranteeing the fulfillment of child rights is the primary responsibility of the state, especially in the education and health sectors. The legal framework that protects the child has been established through various international instruments such as the Convention on the Rights of the Child, as well as national laws and regulations that outline the state's commitment to a child's welfare. Education and health are seen as two key cornerstones in shaping a child's overall quality of life, as they contribute directly to their ability to grow, develop and actively participate in communities (Cornell et al., 2020).

In the socio-economic reality, child from low incomes community still hampered in obtaining their basic rights equally. In many areas, educational facilities are not proportionally distributed, and primary health care is often not available in poor or remote areas. The government has established programs such as educational scholarships to reach economically disadvantaged child, but the distribution is still far from the principle of social justice. Scholarship programs often do not reach the neediest groups due to weak verification mechanisms and administrative oversight (Kapur, 2021).

These inequalities are not only reflected in data on access to education and health, but also in the underrepresentation of child from poor communities in policies and child rights advocacy forums. In practice, legal regulations that guarantee access to free education and health often clash with facts on the ground-such as unofficial levies, transportation costs, and household economic burdens that push the child to work. When the scholarship distribution system is not adapted to the structural conditions of poor families, the program does not provide the benefits it should (O'Hare et al., 2016).

Various literature studies have shown a deep gap between the normative design of regulations and technical implementation in the field, especially in areas with high poverty rates. Legal regulations often become an idealized narrative that is not matched by the substantive presence of the state. The effectiveness of regulatory in ensuring the fulfillment of child rights is largely determined by the fairness of resource distribution, policy alignment, and the capacity of the bureaucracy to follow up on legal mandates in a concrete and accountable manner (Clinton & Shriberg, 2020). The state is required to be substantially present to the real needs of children at all levels of society.

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The most fundamental problem that arises is the mismatch between the regulations that have been established and the reality of implementation on the ground, especially in reaching a child from a low-income family. This inequality stems from limited resources and a weak system for reporting and handling cases related to child rights violations. Bhabha (2006) notes that one of the main problems is the absence of an independent and effective monitoring system to ensure the full implementation of child rights. As a result, violations of the rights to education and health often go undetected and do not receive adequate legal redress. This lack of oversight weakens the accountability of government institutions and public service providers, so violations of children's right to education and health tend to be ignored or taken for granted.

The substance of the regulations on child's education and health is still general and not contextualized to the socio-economic conditions of the poor. Such regulations often assume uniformity, while access to basic services is largely shaped by local conditions like poverty, infrastructure, and culture. Freeman (1992) reveals that inequality in access to basic services persists even in legal systems that have adopted the principle of non-discrimination. Child from poor backgrounds, ethnic minorities, and child with special needs often experience multiple barriers in obtaining services that are their basic rights. Geographical and economic differences make these groups invisible in the state service system.

From a technical perspective, funding issues are a major obstacle to the effectiveness of redistributive regulations such as scholarship programs. Tomasevski (2001) highlights that many countries launch free education programs without providing sufficient operational funds and supporting training to run the program effectively. The same is true for health services, where limited medical personnel, health facilities, and logistical distribution exacerbate inequalities in services for child living in poor and remote areas. As a result, the legal system, which is supposed to protect, is blunted because it is not supported by adequate supporting infrastructure.

This situation should be a serious concern because it involves the creation of a social justice system for future generations. When the legal system fails to reach the most vulnerable groups, there is a perpetuation of intergenerational inequality that has the potential to hamper long-term social development. Evaluation of the implementation of legal protection for child in the fields of education and health needs to be carried out thoroughly, so that the law does not stop as a normative symbol, but rather functions as a real tool of equity.

A critical review of the distribution of scholarships and other basic services is needed to ensure that the state is truly present to address the needs of child from poor families. By making evidence-based observations of weak points in policy implementation, reforms can be formulated that are more targeted and responsive to the problems faced by child from vulnerable groups. Without this, the existing protection system will continue to fail to provide justice for those who need it most. Children from poor families will remain trapped in a cycle of limited access, which in turn hinders the development of their potential.

This research aims to critically evaluate the effectiveness of the implementation of legal regulations that guarantee child rights in the education and health sectors, with a particular emphasis on their realization in low-income communities. The research systematically examines the correspondence between the normative design of regulations and their administrative implementation at the local level, and identifies the extent to which the distribution of scholarship programs and basic health services reach the child from poor groups in a fair and equitable manner. Through an analytical literature review-based approach, this research also examines the structural and bureaucratic factors that hinder policy implementation, including limited institutional capacity and the existence of an independent oversight system. The results of this research are expected to make a conceptual contribution in strengthening the legal approach as an instrument of social justice distribution, as well as providing a rationale for the development of affirmative policies that are more responsive to the needs of child from vulnerable communities.

## RESEARCH METHOD

This research uses a qualitative approach based on library research with a focus on normative legal sources and implementative analysis. This approach involves an in-depth exploration of legislation, international conventions, court decisions and relevant academic literature on child rights in education and health. This method allows researchers to critically examine the legal structure and its implementation in the field based on empirical narratives reviewed in previous research. The literature study is particularly suitable for this topic as it provides space to weave together legal, social and administrative perspectives within one analytical framework (Guba & Lincoln, 1994). This kind of research can reveal the patterns, weaknesses and effectiveness of legal instruments in a more comprehensive way through the synthesis of various valid sources.

In its implementation, this method follows a descriptive-analytic approach, where data is collected from primary legal documents such as national laws and international treaties, as well as from academic journal articles, policy reports, and legal methodology books. This research refers to the normative legal research methodology as developed by Soekanto (2006), who explains that the normative approach is a way to examine the legal from the perspective of legal documents and norms that live in the community. Researchers also adopted the Miles and Huberman (1994) framework in the data analysis process, namely by reducing data, presenting information, and drawing conclusions based on the patterns found. The results of this research are expected to provide a precise picture of the strengths and limitations of legal implementation in ensuring child's welfare through their basic rights.

## **RESULT AND DISCUSSION**

In the midst of various development efforts that emphasize aspects of social justice, the existence of child as a structurally vulnerable group demands special attention in the legal and public policy dimensions. Child does not have the same legal capacity as adults to fight for their own rights, so the state is fully responsible for creating a protection system that ensures their proper growth and development. The state must be present not only as a symbolic protector, but also as an active implementer that ensures the fulfillment of children's rights in a concrete, measurable and sustainable manner. This commitment to protection has been outlined in various legal instruments, both at the international and national levels, which substantially emphasize a child's right to obtain adequate education and proper health services (Khurshid et al., 2020). This commitment demands that states provide quantitative access, pay attention to quality, and match services with children's developmental needs.

The implementation mechanisms of these provisions often do not reach the neediest segments of the community. Child from underprivileged families is often overlooked due to weak data collection systems, unequal distribution of assistance, and limited implementing institutions. This imbalance indicates a gap between policy design and the social realities faced by the poor. Even in policies that appear inclusive on paper, inequalities occur because the technocratic approach has not considered the socio-economic realities that surround the lives of a child in remote areas or densely populated areas with high poverty rates (Spencer et al., 2019). The state needs to develop a more holistic and community-based approach to child protection programs.

This situation shows the difference between the juridical formulation of policies and the state's ability to implement them in practice. Legal instruments that are supposed to be instruments of protection are often unable to remove structural barriers that prevent poor child access to education and health. In this case, the urgency to reassess the effectiveness of the implementation of child protection regulations becomes very relevant, especially when it comes to equalizing educational assistance such as scholarships that are designed to create equal opportunities for all child regardless of their social background (Tahamata, 2018).

Within the framework of legal protection of the child, the state has a juridical obligation to guarantee the child's rights in education and health. This principle is explicitly regulated in the Convention on the Rights of the Child, which has been ratified by many countries, including various national provisions. The implementation of this principle has not been fully effective when faced with the reality of the lives of child from low-income communities. The gap between idealized regulations and social reality is still striking, especially in terms of access to basic education and health services (Schweiger & Graf, 2016).

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Weaknesses in the verification of recipient data are also a significant problem in the scholarship system. Ineffective verification processes can result in inaccurate data, so that scholarship recipients do not reflect the real conditions on the ground. For example, if the data used to determine the eligibility of scholarship recipients is not updated or is invalid, then a child who should be receiving assistance may be overlooked. In many cases, the data used for verification comes from sources that are not well integrated or have not been regularly updated. This means that much of the information does not reflect children's actual socio-economic conditions. This points to the need for a more robust and accurate system for collecting and verifying information about potential scholarship recipients, so that the program can be better targeted (Gray et al., 2018).

Bénabou and Tirole (2003) identified moral hazard and a weak bureaucratic control system as the root causes of inequitable scholarship distribution. Moral hazard occurs when the parties involved in managing the program do not have sufficient incentives to ensure that scholarships are given to those who are truly in need. For example, if program managers do not have clear accountability, they may be more inclined to award scholarships to a child from a family that has connections or influence, rather than to those who are truly in need. This creates inequity in the distribution of resources that should be aimed at helping poor child (Mahmud et al., 2018).

Weak bureaucratic control systems can lead to a lack of effective monitoring and evaluation of the scholarship program. In the absence of strong control mechanisms, it is difficult to ensure that scholarship funds are used properly and in accordance with the stated objectives. This can result in misuse of funds, where scholarships are awarded to individuals who are not eligible or in need of assistance. It is important to strengthen control and oversight systems in the management of scholarship programs so that distribution can be done fairly and transparently (Aini et al., 2018).

To address this issue, reforms are needed in the scholarship system that include improving transparency, accountability and the effectiveness of data verification. The government and relevant institutions should work together to design clear and objective criteria for determining scholarship recipients and ensure that the data verification process is thorough and accurate. This way, the scholarship program can be better targeted and truly reach poor child in need, helping to reduce educational inequality and provide better opportunities for future generations (Amsar et al., 2018).

In terms of health, malnutrition and limited immunization remain systemic problems. Tripathi et al. (2025) in their study on access to child nutrition in South Asia mentioned that the unequal distribution of health services between urban and rural areas exacerbates the vulnerability of child from underprivileged families. Legal provisions that guarantee the right to health are often not followed by an adequate distribution system, let alone participatory monitoring by local communities.

Another contributing factor is the low level of legal literacy among the poor. Parents of a child most in need of legal protection often do not understand the basic rights attached to their child. This results in violations of child rights never being formally recorded. They may also not know how to access these services or hold authorities accountable if these rights are violated. As Freeman (2000) explains, ignorance of the law among the grassroots causes the law to lose its impetus to function as an instrument of social justice.

Regulatory effectiveness is also affected by policy fragmentation between sectors. Education and health are two sectors that often operate with overlapping and uncoordinated policies. In fact, the effectiveness of the legal system in guaranteeing child rights is determined by solid cross-sectoral coordination. Based on Tomasevski (2001), the absence of synergy between the ministry of education and the ministry of health in policy-making perpetuates the gap in access to services for poor child. Without clear coordination, policies implemented in each sector tend to be separate and not mutually supportive.

Data shows that countries with strong affirmative policies tend to be more successful in reaching marginalized groups. For example, Brazil's conditional cash transfer program (Bolsa Família) has reduced out-of-school child and increased access to primary health care (Fiszbein & Schady, 2009). This shows that the combination of strong legal regulations and structured economic incentive mechanisms has a real impact on ensuring child rights. Through affirmative policies such as Bolsa Família, the state not only fulfills its obligation to ensure children's basic rights, but also creates a system that links social policy to the long-term interests of children and their families.

In many cases, legal regulations often function as political symbols rather than tools for redistributing justice. At the local level, scholarship distribution is still heavily influenced by local political considerations and the subjective preferences of policy makers. In the research conducted by Brighouse and Swift (2008), the unclear objective indicators in resource allocation often open up space for discriminatory practices against the poor.



Legal implementation is often constrained by limited institutional capacity. Many local authorities do not have enough resources or training to ensure the implementation of the legal principles. Slow bureaucracy and child-unfriendly grievance mechanisms also undermine the protection that the legal normative promises. Reforms in the complaints system that are more responsive, fast and child-friendly are needed to ensure that children's rights are well protected and accountable at all levels of government.

It is important to note that regional inequality is a crucial dimension in dissecting the effectiveness of the legal. Although there is a national legal system, the reality is that policy implementation often varies depending on the level of autonomy each region has. Regions with high levels of regional autonomy sometimes undermine national standards on child protection, as not all local governments have the same commitment or capacity. This is reinforced by a Save the Children report (2007) that found disparities in access to education between provinces, despite being within the same national legal system.

Normatively, the law has provided space for justice to grow. Various legal instruments, both international and domestic, have been designed to ensure that children's rights, including the right to education and proper health care, are fulfilled. Empirically, however, the regulations are not strong enough to penetrate unequal socio-economic structures. The absence of a strong independent monitoring system means that violations of child's rights go unnoticed by the state. Even in meritocracy-based scholarship programs, child from poor families left behind due to structural burdens such as limited study time, family support, and domestic workloads.

The effectiveness of the legal system should be measured not only by the number of regulations in place, but by the extent to which they are able to transform a child's life in a concrete way. This is where the importance of an outcome-based approach, not just administrative output, comes in. The concept of substantive justice promoted by Sen (1999) emphasizes the need to see justice from the final results felt by the community, not just from formal equality. An effective law is one that produces real and positive change in the lives of children.

Finally, it can be concluded that while legal regulations on child rights exist in various forms, their effectiveness is highly dependent on implementation mechanisms, local community engagement and consistent political support. Without these, the law will remain a lifeless text amidst complex social dynamics. Policies that are not supported by adequate resource allocation are likely to fail in the long-term.

## CONCLUSION

The implementation of legal provisions aimed at guaranteeing child rights in education and health in low-income communities still faced a range of structural and administrative barriers. While legal frameworks exist, ranging from international conventions to national regulations, implementation is often hampered by weak institutional capacity, limited resources and lack of coordination between sectors. The distribution of scholarships and health services for poor child has not shown consistent equity, and is often distorted by social inequality and bureaucratic interests. The legal system, which is supposed to be a tool to eliminate inequality, loses its effectiveness when it is not complemented by a fair and participatory execution system.

This research underscores the importance of combining a legal approach with improved governance at the implementing level, particularly in the education system and basic health services. Good regulations are not enough if they are not followed by policy planning that is adaptive to the local conditions of the poor. The inequality of access experienced by child from underprivileged families is a clear indicator that social justice has not been substantively achieved. This research can encourage data-driven and distributional justice-based policy reforms.

The government should establish a more transparent and community-based monitoring system to oversee the distribution of scholarships and child health services. Data integration between sectors is also needed to support more precise targeting of assistance programs. Training of law enforcement officers, teachers and health workers on child rights should also be strengthened so that all parties understand their roles and responsibilities in ensuring the fulfillment of these rights in concrete terms.

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