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## PROTECTION OF WOMEN'S RIGHTS IN DETERMINING REPRODUCTIVE HEALTH RELATED TO FAMILY PLANNING POLICY BY THE GOVERNMENT

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### ABSTRACT

Problems in the policy aspect of the family planning program, although it is a concrete form of increasing awareness and community participation through maturing the age of marriage, birth control, fostering family resilience, increasing family welfare to create happy and prosperous small families, but the program is a form of restraining women's rights. to determine and regulate reproductive aspects, because the reproductive health aspect of women is a basic right that must be given fulfillment of needs without any discriminatory actions or policies. The existence of this program seems to be a program that must be followed by all women of childbearing age by using Family Planning officers to attract women without any process, so that these women are limited in terms of reproductive affairs, and women do not have the right to their reproductive organs. determine what program is suitable for him, when and how many will have children. The government is obliged to review the existence of this policy so that there are no restrictions on rights in terms of determining the reproductive aspects of women.

**Keywords:** Fulfillment of Rights, Family Planning Policy, Reproductive Health.

### INTRODUCTION

Reproductive health is a basic right of every person, so the guarantee of the availability of reproductive health facilities and infrastructure is a medium to guarantee and protect so that people can enjoy their basic rights.<sup>1</sup> The state (government) has obligations and duties based on international law to respect, protect and fulfill human rights related to the protection of women's reproductive rights. The existence of an obligation to respect means that the state must refrain

<sup>1</sup> Agnes Widanti. 2005. *Hukum Berkeadilan Jender (Aksi-Interaksi Kelompok Buruh Perempuan dalam Perubahan Sosial*. Jakarta: Kompas, h. 18

from interfering with or limiting human rights in relation to reproduction as a result of a family planning policy program.

Women are subjects that must be protected related to family planning programs, in which women have the right to determine and regulate themselves regarding reproduction and the obligation to protect requires the state to protect individuals and groups from violations of human rights.<sup>2</sup> the obligation to comply means that states must take positive action to facilitate the enjoyment of human rights. At the individual level, although we are entitled to our human rights, we must also respect the human rights of others.

Family planning is an effort to increase awareness and community participation through maturing the age of marriage, birth control, fostering family resilience, increasing family welfare to create happy and prosperous small families.<sup>3</sup> Family planning is an inseparable part of reproductive health which has actually been recognized by the 1994 CPD, which includes reproductive rights. In line with its development, Family Planning is now under the management of the National Population and Family Planning Agency (BKKBN). Which is based on RI Presidential Regulation Number 62 of 2010 concerning the National Population and Family Planning Agency (BKKBN). BKKBN has the task of carrying out governmental tasks in the field of population control and family planning.<sup>4</sup>

Although human rights are often mentioned alongside family planning programs, they are not always positive. Some of the early practices of the “population control” program resulted in human rights violations that overshadowed the family planning program. The government is considered interfering in women's reproductive affairs. Human rights principles can provide strong protection against coercive family planning policies and practices. The concept of human rights is also important for empowering women and for advancing women's institutions, so that women can access the services they need, decide for themselves whether to get pregnant and when, and become agents of change for their communities and nations. Strengthening women's institutions will reduce the incidence of rights violations;

Other key human rights principles include participation, accountability, non-discrimination and empowerment. Applying these principles in family planning programs means that communities and individuals will be able to participate in these planning services. Mechanisms will be in place to ensure that services are accountable to the communities they serve.<sup>5</sup> Policy makers will seek the views of service users and regularly incorporate their views to improve the program. The Service will not vary in its availability to different groups or the extent to which different groups can access the service. Individual women and men will have agency to make decisions about whether and when to have children and which method they choose. Family planning decisions will be based on full and free.

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<sup>2</sup> Mariana Amiruddin, 2003, *Kesehatan dan Hak Reproduksi Perempuan Panduan untuk Jurnalis*, Jakarta: Yayasan Jurnal Perempuan (YJP) dan the Japan Foundation, h. 27

<sup>3</sup> Mertus, Julie, et.al., 2001, *Hak Asasi Manusia Kaum Perempuan: Langkah Demi Langkah* Bandung: Pustaka Sinar Harapan, h. 33

<sup>4</sup> Nung Ati Nurhayati, Agnes Widanti, 2013. “Ketentuan Tentang Keluarga Berencana Dan Asas Nondiskriminasi Dikaitkan Dengan Hak Reproduksi Wanita”, *Jurnal Ilmu Keperawatan*. 2(1). h. 26

<sup>5</sup> Nursaid, 2005, *Perempuan Dalam Himpitan Teologi di Indonesia*. Yogyakarta: Kelompok Pilar Media, h. 41

## RESEARCH METHODS

This study uses normative legal research methods with normative juridical research types. This type of research will focus on studies that are based on the rule of law as the main reference in analyzing, studying and examining legal issues. The legal approach used in this research is a statutory approach which will be studied based on primary legal materials and secondary legal materials in addressing issues regarding the protection of women related to psychology and identity as a result of sexual violence.

## RESULTS AND DISCUSSION

### Family planning program as an act of limiting the reproductive rights of women

The Family Planning Program seems to be a program that must be followed by all women of childbearing age without exception. To make this happen, all family planning officials move to attract women without any process, as if these women are restricted in terms of reproductive matters, so that women do not have the right to their reproductive organs to determine what programs are suitable for them, when and how many children they will have. . Feminists think that the family planning program cannot be continued, because the government's legal paradigm leads to aspects that are too personal regarding the fulfillment of determining women's reproduction.<sup>6</sup>

Family planning services and sexual and reproductive programs are provided precisely as a means of suppressing women's rights in terms of reproduction. The government is obliged to consider this policy by respecting, protecting or fulfilling the right to access family planning services and eliminating this policy. Policies also need to be supported with adequate budget allocations. Such legal and policy changes may include developing laws and policies ensuring that family planning services are adequately available, physically and economically accessible to all without discrimination, culturally acceptable and respectful and confidential, and of the highest possible quality.<sup>7</sup> Other relevant legal and policy changes may include support for the prevention of harmful practices (such as child marriage or gender-based violence) and increasing knowledge and awareness about rights violations and harm caused by such practices. Further actions might include removing unjustifiable access barriers (such as client eligibility criteria) or policies that contain specific method or performance based targets or incentives for providers which could in practice be coercive, as they jeopardize the extent to which contraceptive decision making is completely free.

The government only has an obligation to provide fulfillment of needs, especially related to the world of reproductive health, not including regulating and determining pregnancy rates by making policy planning programs. On the other hand in terms of safety that even if family planning services are available, if a particular contraceptive method is not available when the client needs it, where supplies are not consistently available, people will believe visiting the

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<sup>6</sup> Anna G dan Alisa Gebbie, 2002, *Keluarga Berencana dan Kesehatan Reproduksi*, Jakarta: EGC, h.. 29

<sup>7</sup> Fatoni, Zainal., et.al. 2015, "Implementasi Kebijakan Kesehatan Reproduksi Di ndonesia: Sebelum Dan Sesudah Reformasi", *Jurnal Kependudukan ndonesia* . 10 (1)h. 70

service is a waste of their time.<sup>8</sup> A wise investment in family planning programs will include developing, revising, or implementing policies to ensure contraceptive safety, including consistent access to multiple methods in the public, private, and non-government sectors. If only a few methods are available, this limitation clearly interferes with a complete, free, and informed choice.

The existence of family planning programs is not matched by the readiness of the government in providing complete contraceptive supplies (including short-term, long-term, reversible and permanent methods), supplies and equipment. As well as collaboration between relevant ministries and donors in budgeting for reproductive health supplies. Effective procurement and supply chain systems in place, including monitoring systems that enable all partners to monitor (and quickly correct) stock outs and improve distribution systems and collaboration with research institutes, manufacturers, service delivery organizations, and potential users to develop contraceptive technologies that are effective safe, effective, and acceptable that meets individual needs. Legal and policy support for monitoring and accountability processes, including national commitments to international human rights treaties, is important to ensure ongoing commitment to maintaining quality standards in service delivery.

The government needs to review the provisions of Law No. 52 of 2009 concerning Population Development and Development which aims to achieve balanced population growth and quality families through efforts to control birth rates and reduce death rates. a balance between the population and the environment both in the form of natural carrying capacity and environmental capacity as well as conditions of socio-economic and cultural development.<sup>9</sup> Based on the purpose of this law, it has become the forerunner of rights restrictions and the government is too involved in regulating reproductive policies, even though the reproductive aspect is an individual right that determines and regulates reproduction with their families.<sup>10</sup>

Despite the availability of services, the government is very unbalanced in providing family planning information, education and services that must be available to all, including the poorest population groups. Governments should be willing to invest resources in programs that have little or no potential to generate income or be self-sustaining.<sup>11</sup> Such investments are also needed to reach hard-to-reach populations, those in remote areas or marginalized groups. Such as the existence of relevant financing options to maximize access to family planning services could include national and donor resources and financing mechanisms to implement policies to expand the coverage of family planning services and ensure access to various methods and services by all (including the poor and vulnerable groups) . As well as identifying and reforming financing

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<sup>8</sup> Kartikawati, 2013, "Diana Teresa Pakasi dan Reni. Antara Kebutuhan dan Tabu: Pendidikan Seksualitas dan Kesehatan Reproduksi bagi Remaja di SMA. 2, Depok" *Makara Seri Kesehatan*, 17(1), h. 81.

<sup>9</sup> Sari, Anisa Nurlaila. 2018, "Legal Analysis Of Dental Service Responsibilities According To The Minister Of Health Regulation no. 39 of 2014 Concerning Development Of Supervision And Licensing Of Dental Workers," *Cepalo*, 2 (1), h. 29

<sup>10</sup> Hartanto, Hanafi, 2002, *Keluarga Berencana dan Kontrasepsi*, Pustaka Sinar Mas, Jakarta, h. 68

<sup>11</sup> Kusyogo Cahyo, 2008, "Faktor-Faktor Yang Mempengaruhi Praktik Kesehatan Reproduksi Remaja Di SMA Negeri 1 Purbalingga Kabupaten Purbalingga" *Jurnal Promosi Kesehatan ndonesia*, 3(2), h. 87

plans that can remove barriers to achieving access to family planning services, commodities, and supplies.

### **Protection of the Rights of Women in Determining Reproductive Aspects**

Protection of women in the aspect of reproductive health is closely related to sexual health or a healthy sex life because the reproductive process is mostly carried out through the process of sexual relations between men and women.<sup>12</sup> that reproductive rights basically also include the recognition of the fundamental rights of every person, either in pairs or individually, to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to be able to fulfill this, and the right to achieve highest standards of sexual and reproductive health. In addition, this provision gives them the right to make decisions regarding reproduction free of discrimination, coercion and violence as expressed in human rights documents, in other words that reproductive health includes how people can have a satisfying and safe sex life.<sup>13</sup>

Protection of women despite the involvement of various groups in participatory program development and implementation processes, including assessing and overcoming some of the social barriers to the use of family planning.<sup>14</sup> However, this remains a form of propaganda to encourage women to join the program, but the direction that should be considered in pushing for family planning programs is related to building or strengthening the capacity to demand high-quality services, participate in monitoring and accountability processes, and ensure strong redress for rights violation. Advocate for environmental and reproductive health funding that allows for access to and use of family planning.<sup>15</sup> Support healthy transitions from adolescence to adulthood, especially in settings where young people have limited access to family planning/sexual and reproductive health services, but where unplanned pregnancy and sexually transmitted infections are a concern.

It is imperative to demand increased access to information about reproductive rights and contraceptive options. Advocating opportunities for empowerment, through education and training on reproductive health, self-esteem, rights, life skills, and interpersonal communication. Calls for high-quality services and supplies through behavior change information, education, and communication, to enhance their agency to manage their sexual and reproductive health and ability to choose whether and when to have children. Demand that service providers listen to them, advise appropriately and take care to ensure that their rights are respected, protected and fulfilled. to increase their agency to regulate their sexual and reproductive health and the ability to choose whether and when to have children. Demand that service providers listen to them, advise appropriately and take care to ensure that their rights are respected, protected and

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<sup>12</sup> Purdy, L. 2006. "Women's reproductive autonomy: Medicalisation and beyond". *Journal of Medical Ethics*; 3(2), h. 288

<sup>13</sup> Nindira Krisma Rusady, Zahroh Shaluhiah, Besar Tirto Husodo, 2017, "Analisis Kebutuhan Pendidikan Kesehatan Reproduksi Pada Siswa Smp Di Wilayah Kecamatan Pedurungan Semarang" *Jurnal Kesehatan Masyarakat*. 5,(5), h.1011

<sup>14</sup> Suraton, 2008, *Pelayanan Keluarga Berencana dan pelayanan kontrasepsi*, Jakarta: Transinfo Media. h. 54

<sup>15</sup> *bid.* hlm. 56



fulfilled. to increase their agency to regulate their sexual and reproductive health and the ability to choose whether and when to have children. Demand that service providers listen to them, advise appropriately and take care to ensure that their rights are respected, protected and fulfilled.

## CONCLUSION

Family planning program as an act of limiting the right to determine reproduction of women so that There are restrictions on the right to regulate and determine aspects of sexual and reproductive health and rights and the government in its family planning policy should see aspects of respect for human rights as part of program implementation, monitoring and evaluation, so policies must actively encourage, research and act based on the public's view of the need for sexual and reproductive health aspects that give women the freedom to determine reproduction.

Protection of the rights of women in determining sexual and reproductive health must see that their rights are respected, protected and fulfilled. to increase their agency to regulate their sexual and reproductive health and the ability to choose whether and when to have children. So that the government through family planning policies does not provide regulations regarding reproductive aspects. the government needs to review the implementation of family planning under the pretext of realizing balanced population growth and quality families through efforts to control birth rates and reduce mortality rates, controlling population quantity is carried out to achieve harmony, harmony and balance between population and the environment, even though there are aspects what is more important is providing adequate health facilities for women in the aspect of reproductive health.

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