



The Regulatory Dilemma Between Contraceptive Promotion and Criminal Threats in Indonesia

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Abstract

Contraceptive devices are important to be socialized to the public to prevent the transmission of dangerous diseases such as HIV and prevent pregnancy to control population growth. Promoting contraceptives can be subject to sanctions under Articles 408 and 410 of the Criminal Code with Category I fines. Therefore, officers experience a dilemma when promoting contraceptives. There is a disharmony of norms (norm conflict) between the Criminal Code and Government Regulation Number 61 of 2014 concerning reproductive health. Based on this, the problem can be formulated, namely: how to regulate actions that promote protection devices from the perspective of *Ius Constitutum* and how to protect actions that promote contraceptives in the Criminal Code. This type of research is normative legal research, due to the conflict of norms. The results of this research are stated in laws and regulations, including Law Number 52 of 2009 concerning Population Development and Family Development, Government Regulation Number 61 of 2014 concerning reproductive health and in Law Number 1 of 2023 concerning the Criminal Code. This issue is crucial to discuss in order to provide legal protection for contraceptive promotional tools, as the Criminal Code prohibits criminal prosecution because the officer's actions have lost their unlawful nature. This is based on the consideration that their actions, such as demonstrating the contraceptive tools, constituted the fulfillment of a state-mandated duty within the government's population program, and there are grounds for eliminating criminal penalties.

Keywords: Contraceptive Device; *Ius Constitutum*; Promotion; Regulation.

I. Introduction

Promotion is one of the essential elements of the marketing mix used by companies or organizations to increase sales of products or services. The primary purpose of promotion is to create public awareness, introduce products or services, persuade potential consumers to make purchases, and build a positive brand image. Promotional activities consist of various marketing

communication strategies aimed at specific target markets.¹ Today, almost all publicly sold products are promoted, including contraceptives.

Contraceptives are products or devices used to prevent pregnancy. Various types of contraceptives exist, and their use depends on individual preferences, health conditions, and specific needs. However, legislation governing the promotion and distribution of contraceptives, particularly contraceptive devices, is not strictly regulated. The use and dissemination of contraceptives are closely linked to the government's Family Planning (KB) program, which serves as an educational and preventive effort to control population growth. According to recent data and projections from Trading Economics, Indonesia's total population is expected to reach 281.6 million by 2024, a significant increase from 88.7 million in 1960.²

Maintaining reproductive health, especially among adolescents, is crucial for building a healthy, high-quality, and competitive future generation.³ In this context, contraceptive promotion is closely related to public health policies. Nevertheless, such activities may lead to legal consequences, as the Criminal Code (Law No. 1 of 2023) provides sanctions for the promotion of contraceptives to minors. The Criminal Code serves as the main reference for determining criminal offenses and penalties in Indonesia.⁴

Article 408 of the Criminal Code stipulates:

"Any person who openly displays, offers, broadcasts writing, or displays with the intention of obtaining contraceptives for children shall be punished with a maximum fine of Category I (Rp 1,000,000)."

Children are considered legally immature and vulnerable to deviant behaviors due to their limited awareness and understanding of social norms. The General Elucidation of the Child Protection Law emphasizes that children are a trust and gift from God Almighty whose dignity, honor, and human rights must be upheld and protected.⁵

However, a conflict of norms arises between the provisions of the Criminal Code and Government Regulation (PP) No. 61 of 2014 concerning Reproductive Health. Article 410 paragraph (1) of the Criminal Code states that:

"Acts as referred to in Article 408 are not punishable if carried out by authorized officers in the context of organizing family planning, preventing sexually transmitted infections, or for the purposes of health education and counseling."

Meanwhile, Article 21 of PP No. 61 of 2014 stipulates that:

"Contraceptive services can also be provided by the community."

The phrase "*authorized officers*" in Article 410 paragraph (1) of the Criminal Code implies that contraceptive education and promotion may only be conducted by officially designated personnel. Conversely, Article 21 of PP No. 61 of 2014 allows for community participation in providing contraceptive services. This creates a horizontal conflict of norms, leading to potential legal uncertainty and overlap between these two regulations.

¹ Notoatmodjo S., *Promosi Kesehatan dan Perilaku Kesehatan*, (Jakarta:Rineka Cipta, 2014) pg. 61.

² Trading Economic, source: <https://id.tradingeconomics.com/indonesia/population>

³ Auliana, E. (2025). *Tinjauan Pelaksanaan PP No. 28 Tahun 2024 Tentang Kesehatan Terkait Penyediaan Alat Kontrasepsi Bagi Remaja dan Anak Usia Sekolah. (Research in Lhokseumawe City)* (Doctoral Dissertation, Universitas Malikussaleh)

⁴ Cantika, A. A. L., Satriana, I. M. W. C., & Negara, I. N. S., 2023, "Kepastian Hukum Tindak Pidana Penghinaan Citra Tubuh (Body Shaming) Di Media Sosial". *Jurnal Komunikasi Hukum (JKH)* vol 9(1), Denpasar, hml. 677-686

⁵ Ramelan, R., Rochmiyatun, S., & Armasito, A. "Women's reproductive rights in the stunting prevention policy by the Government of Indonesia". *Hakamain: Journal of Sharia and Law Studies*, Vol.4(1) (2015). <https://doi.org/10.57255/hakamain.v4i1.1341>

This study differs from previous research, such as Rifdatus Sholihah, who examined the law of pregnancy prevention from the perspectives of Imam Ghazali and Sheikh Abdullah bin Baaz,⁶ and Prianter Jaya Hairi, who discussed the urgency of maintaining criminal legislation on tools to prevent pregnancy in the Draft Criminal Code.⁷ In contrast, this study focuses on the legal implications of conflicting norms that create dilemmas for individuals and institutions engaged in family planning education and contraceptive promotion.

The significance of this study lies in its contribution to bridging the gap between criminal law and health policy in Indonesia. Theoretically, it enriches legal scholarship by analyzing the intersection of *lex specialis* and *lex generalis* principles in addressing horizontal norm conflicts between the Criminal Code and reproductive health regulations. Practically, this study provides policy recommendations to ensure legal certainty for health practitioners, community organizations, and government officers involved in family planning programs. The urgency of this research is underscored by the need for harmonization between public health objectives and criminal law enforcement, so that reproductive health education and contraceptive promotion can be implemented effectively without fear of criminal sanctions.⁸

II. Research Problems

In this research on the regulation of contraceptive promotion, two legal issues will be examined: how to regulate contraceptive promotion from the perspective of *ius constitutum* and how to legally protect contraceptive promotion under Law Number 1 of 2023 concerning the Criminal Code.

III. Research Methods

This study employs normative legal research, starting from the conflict of norms regarding the regulation of contraceptive promotion. The approaches used are legislation, legal concept analysis, and historical approaches. The collected legal materials will be analyzed using descriptive qualitative analysis. Qualitative analysis means outlining relevant legislation and literature related to the regulation of contraceptive promotion from the perspective of *ius constitutum* and legal protection for contraceptive promotion in Law Number 1 of 2023 concerning the Criminal Code, in a quality manner, using orderly, coherent, logical, non-overlapping, and effective sentences, thus facilitating understanding and interpretation. This analysis aims to provide a comprehensive understanding of the importance of preventing dangerous diseases such as HIV and controlling population growth through contraceptive promotion without fear of criminal sanctions.

⁶ Sholihah, R. (2019). Hukum Mencegah Kehamilan Perspektif Imam Ghazali Dan Syekh Abdullah Bin Baaz. *Al-Hukama': The Indonesian Journal of Islamic Family Law*, 9(1), 76-102 <https://doi.org/10.15642/alhukama.2019.9.1.76-102>

⁷ Hairi, P. J. (2019). Urgensi Mempertahankan Pengaturan Tindak Pidana Menunjukkan Alat Mencegah Kehamilan dalam RUU KUHP The Urgency of Rearranging Regulations on Criminal Act of Presenting Prevention of Pregnancy's Device in the Criminal Code Bill. 10(2), 259-280 <https://jurnal.dpr.go.id/index.php/hukum/article/download/1341/pdf>

⁸ The National Population and Family Planning Board, 2020, *Rencana Strategis Badan Kependudukan dan Keluarga Berencana Nasional*, Jakarta, pg. 12.

IV. Result and Discussion

1. Regulation of Contraception Promotion from the Perspective of *Ius Constitutum*

The criminal provisions in Indonesia originate from the *Wetboek van Strafrecht* (Dutch Penal Code), which was enforced during the Dutch colonial period and continued to apply after independence as part of Indonesia's national legal system. To prevent a *recht vacuum* (legal vacuum), Article II of the Transitional Provisions of the 1945 Constitution of the Republic of Indonesia stipulates that all existing laws remain in force insofar as they have not been replaced. This principle of legal continuity provides a foundation for legislators to adapt criminal provisions in accordance with societal developments, including those governing contraceptive promotion, which intersects with issues of public morality, public health, and reproductive rights.

Legal reform in Indonesia constitutes an integral component of national development, aimed at realizing the nation's *rechtsidee* (legal ideal) social justice based on Pancasila.⁹ The Preamble of the 1945 Constitution, which mandates "to protect the whole people of Indonesia and promote the general welfare," serves as the philosophical basis for all criminal law policies, including those related to contraception.¹⁰ In this regard, law does not merely function as a means of *social control* but also as a tool of *social engineering*, intended to shape a responsible, ethical, and health-oriented society consistent with human values.

Crime, as a social phenomenon, can never be completely eradicated but only reduced to a level tolerable to society. Accordingly, Indonesia's criminal law system emphasizes a balance among justice, utility, and legal certainty. Within the realm of contraceptive regulation, this balance reflects the need to harmonize public morality protection with respect for reproductive health rights, particularly those of women.¹¹

As a *rechtsstaat* (state governed by law), Indonesia places law as the highest authority in national governance. Law must live and evolve with society, therefore, the criminalization of contraceptive promotion must be understood within its historical, sociological, and philosophical contexts.¹² From the perspective of *ius constitutum*, the criminalization of contraceptive promotion is stipulated in Article 534 of the Indonesian Penal Code (KUHP), which penalizes any person who publicly exhibits, offers, or promotes contraceptive devices. This provision reflects the moral values of the colonial era, when sexuality was considered taboo and excluded from public discourse.¹³

However, the evolution of modern society requires reinterpretation of such norms. Post-independence, national law must adapt to social needs and scientific progress. Within the framework of *criminal policy*, criminalization represents a political decision to determine which acts are considered harmful to society and thus deserve penal sanctions. According to the *social defence theory*, the primary function of criminal law is to protect society's fundamental values and

⁹ Satriana, I. (2013). Kebijakan Formulasi Keadilan Restoratif Dalam Sistem Peradilan Pidana Anak. *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)*, 2(3).

¹⁰ Siburian, R. J. (2020). *Marital Rape Sebagai Tindak Pidana Dalam Ruu-Penghapusan Kekerasan Seksual*, *Jurnal Yuridis*, Vol. 7, No. 1, Hlm. 152. <https://doi.org/10.35586/jyur.v7i1.1107>

¹¹ Article 96 Government Regulation Number 28 of 2024 on Implementation Law Number 17 of 2023 on Health

¹² Sormin, I., & Ali, Z. Z. (2023). *Comparative study of protection of women's rights in Article 463 of the New Criminal Code with Law Number 36 of 2009 concerning health: Perspective of Jasir Auda*. *Millah Law Review*, 5(1), 55-74. <https://doi.org/10.32332/milrev.v2i2.7824>

¹³ Arifin, K. K., & Primadianti, H. (2023). *Reviewing the implications of the living law as an expansion of the legal principle in the Criminal Code*. *Sriwijaya Law Review*, 7(1), 112-130. <https://doi.org/10.28946/scls.v1i1.2732>

interests. Consequently, every criminalization policy must maintain equilibrium between societal protection and individual liberty.¹⁴

Indonesia's regulatory efforts regarding contraception are rooted in family welfare and public health perspectives. Law No. 10 of 1992 concerning Population Development and Family Welfare marked a significant milestone in integrating demographic and reproductive health policies. Article 21 of this law stipulates that demonstrations of contraceptive tools, drugs, or methods may only be conducted by authorized personnel in the field of family planning and must take place in proper venues and manners.¹⁵ The explanatory note emphasizes the need to uphold national moral values and ensure that demonstrations are conducted ethically, professionally, and educationally.¹⁶

Subsequently, Law No. 52 of 2009 on Population Development and Family Development further reinforced a participatory approach in family planning administration. Article 23 paragraph (1) obliges the central and regional governments to enhance access, quality of information, and education on contraception. This represents a paradigm shift from birth control to a human rights-based approach emphasizing freedom, equality, and individual responsibility in reproductive decision-making.¹⁷

Government Regulation No. 61 of 2014 on Reproductive Health expands societal involvement in contraceptive services. Article 21 provides that such services may be organized by the government, regional governments, and community organizations. This reflects the principles of good governance and participatory approach in public service delivery, wherein the state is no longer the sole actor but collaborates with civil society and health professionals to achieve public health goals.

Nevertheless, a normative conflict arises between the restrictive provisions of the Penal Code and the participatory provisions of the Government Regulation. According to the authority theory developed by Van Wijk & Konijnenbelt, legal power derives from three mechanisms: attribution, delegation, and mandate.¹⁸ Based on this theory, the phrase "authorized official" in Article 410 paragraph (1) of the New Penal Code implies that the authority to provide contraceptive education or promotion is limited to designated officials. However, Government Regulation No. 61 of 2014 expands such authority to include community-based actors. This conflict may be resolved by applying the principle of *lex superior derogat legi inferiori* wherein higher laws override lower regulations. Even so, the Government Regulation still provides a legal justification for community health workers conducting contraceptive education, provided such activities comply with ethical and regulatory standards.¹⁹

From the standpoint of substantive criminal law, justification for contraceptive promotion by authorized personnel can be analyzed through the doctrine of *rechtovaardigingsgrond* (grounds for justification), which posits that an act that formally meets the elements of a criminal offense

¹⁴ Setiawan, A., Mustofa, M., Febrianti, R., & Pratama, D. (2022). *The Indonesian criminal law system's progression in sexual assaults regulation*. *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi*, 6(2), 85-101.

¹⁵ Garcia-Alexander, G., & Thompson, M. (2024). *Judgment, shame, and coercion: The criminal legal system and reproductive autonomy*. *Health & Justice*, 12, Article 6. <https://doi.org/10.1186/s40352-024-00259-8>

¹⁶ Zuhriah, E., Syahriana, N. A., & Zainul Ali, Z. (2024). Navigating Islam and human rights: Examining women's right to refuse pregnancy in Indonesia. *Journal of Southeast Asian Human Rights*, 8(2).

¹⁷ Puspita, A. A., Nurlaela, D., & Rahman, M. A. (2025). *A critical review of Indonesia's health law and its implementing regulations: Strengths and challenges*. *Southeast Asian Journal of Law and Governance*, 7(1), 45-62.

¹⁸ Puspita, A. A., Maryanti, S. P., Wardani, A. R., Jasinta, I., & Stogmuller, K. (2025). *A critical review of Indonesia's Health Law and its implementing regulations: Strengths and challenges*. SEAJ ALGOV.

¹⁹ Rizkiandini, S., Damayanti, R., & Fikri, A. M. (2025). *Implementation of Government Regulation No. 28/2024 concerning adolescents contraception: A medical personnel perspective*.

may lose its unlawful nature if performed for a higher legal or moral purpose.²⁰ Therefore, promoting contraception for public health purposes constitutes a legally and morally justified act, not a punishable one.

Criminal law serves as *ultimum remedium* a last resort to maintain social order when other social or administrative measures prove ineffective. This principle underscores that criminalization must not be excessively applied to socially beneficial activities such as contraceptive education. The balance between legal certainty, justice, and utility is crucial to prevent *overcriminalization*, which could instead harm public welfare. In the context of reproductive health, overly repressive approaches risk obstructing efforts to prevent sexually transmitted diseases and combat HIV/AIDS.

In conclusion, the regulation of contraceptive promotion from the perspective of *ius constitutum* represents the state's attempt to balance public morality with public health interests. The challenge ahead lies in constructing a criminal law system that is more humanistic, progressive, and responsive to societal changes a legal framework that not only punishes but also educates, protects, and humanizes individuals.

2. Legal Protection for Contraceptive Promotion under Law Number 1 of 2023 concerning the Criminal Code

The criminalization of contraceptive promotion was originally stipulated under Article 534 of the former Indonesian Criminal Code (KUHP), a colonial inheritance from the Dutch Penal Code. The provision stated: "Anyone who openly displays a contraceptive device, or openly or without being asked offers it, or openly or by broadcasting writing without being asked indicates how such a device or means can be obtained, shall be punished with imprisonment of up to two months or a fine of up to three thousand rupiahs."²¹ This formulation, strongly influenced by moralistic colonial values, primarily sought to preserve public decency (*zedden*), rather than to regulate public health or reproductive rights.

In the newly enacted Criminal Code (Law No. 1 of 2023), the provision was reformulated under Article 408, which reads: "Anyone who openly displays, offers, broadcasts writing, or shows how to obtain a contraceptive device for children shall be punished with a maximum fine of Category I." The shift from imprisonment to a fine and the narrowing of its scope only to acts directed toward children demonstrate a clear paradigm transformation in Indonesia's penal policy. The reformulation reflects the modern principle of *ultimum remedium*, positioning criminal sanctions as the last resort in social control when non-penal measures fail to achieve the desired normative order.²²

This transition also illustrates the influence of the *social defense theory*, emphasizing the protection of vulnerable groups particularly minors from premature exposure to reproductive materials. However, the narrowed criminal scope also signifies an attempt to reconcile moral concerns with the pragmatic necessity of protecting public health. The legislature, by confining

²⁰ Ananto, S. B. T., & Afifah, W. (2024). *Legal legality of contraceptive use in children and adolescents based on Government Regulation No. 28 of 2024*. *Progressive Law Review*.

²¹ Myers, C. K. (2022). *Confidential and legal access to abortion and contraception in the USA, 1960–2020*. *Journal of Population Economics*, 35, 1385–1441.

²² Yusuf, S. S. M. D., Akbarizan, Munir, A. A., & Fahlevi, M. R. (2025). Women's reproductive rights (comparative family planning in Indonesia, Malaysia, and Turkey) in Islamic perspective. *Jurnal Mercatoria*, 18(1), 54–64.

the prohibition to children, implicitly recognizes the legitimacy and necessity of contraceptive promotion within the adult population as part of the state's public health mandate.²³

Nevertheless, this legal development has stimulated intense academic debate, particularly among scholars of criminal law and public health. Critics argue that even with its narrowed focus, Article 408 remains potentially problematic if interpreted expansively by law enforcement authorities. Within the context of the right to health enshrined in Article 28H of the 1945 Constitution, Article 12 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), and Article 16 of *CEDAW* restricting access to contraceptive information may infringe upon fundamental reproductive rights. The dissemination of contraceptive education cannot reasonably be equated with immorality; rather, it constitutes a legitimate and essential public health function.²⁴

From the perspective of the *doctrine of legal interest* (*rechtsbelangenleer*), law must serve to protect social interests that are vital to communal well-being. In this case, public health and reproductive autonomy constitute core social interests warranting legal protection. Thus, the penalization of contraceptive promotion contradicts the functional role of law as an instrument to promote societal welfare. Instead, legal norms should facilitate rather than hinder the dissemination of scientifically accurate, rights-based reproductive health information.²⁵

In addition, under the *theory of justification and excuse*, acts conducted within the scope of lawful authority should not be criminalized. Classical criminal law doctrine recognizes two categories of grounds for exclusion of criminal liability:

1. Justifying grounds (*rechtvaardigingsgronden*), which negate the unlawfulness of the act; and
2. Excusing grounds (*schulduitsluitingsgronden*), which eliminate the offender's culpability.²⁶

Pursuant to Article 21 of Government Regulation No. 61 of 2014 on Reproductive Health, the government, regional governments, and the community are authorized to provide contraceptive services, including the supply of human resources, logistics, funding, and contraceptive devices. Health workers and accredited community volunteers performing educational or promotional activities therefore act under explicit statutory authorization. Their conduct, carried out in accordance with law and directed toward legitimate public health objectives, constitutes a justifying ground that removes the element of unlawfulness. Hence, their activities cannot be deemed criminal under Article 408.²⁷

The validity of this reasoning is reinforced by *Gustav Radbruch's triadic values* justice, expediency, and legal certainty as the foundational criteria of legitimate law. Contraceptive promotion by authorized personnel satisfies all three. It promotes justice by ensuring equitable access to health information and reproductive choices; expediency by contributing to the reduction of sexually transmitted infections and unplanned pregnancies; and legal certainty by operating within clearly defined statutory frameworks.²⁸

²³ Pamungkas, A. D., & Suteki. (2025). *Morality, law and health: A critique of the legality of device service provision contraception for teens*. International Journal of Social Science and Human Research (IJSSHR), 8(2), 15-26.

²⁴ Fahmi, Z., Hasibuan, A. M., Nasution, R. R., Asrofi, & Suroto. (2024). *Criminal liability for illegal abortion in Indonesian and Islamic law: A comparative study*. Bilancia: Jurnal Studi Ilmu Syariah dan Hukum, 18(1), 55-72.

²⁵ Adnani, H., Ersianti, E., & Khuzaiyah, K. (2025). *Determinant factors in the use of modern contraception in urban and rural areas in Western Indonesia*. BMC Public Health, 25, Article 23299.

²⁶ Senjaya, M., & Subrata, R. (2023). *Critical review of criminalization policies in Law Number 1 of 2023 concerning the KUHP*. East Asian Journal of Multidisciplinary Research, 2(12), 550-563.

²⁷ Ananto, S. B. T., & Afifah, W. (2024). *Legality of contraceptive use in children and adolescents based on Government Regulation No. 28 of 2024*. Progressive Law Review, 6(2), 139-148.

²⁸ Zan, M. L., & Rossier, C. (2024). *From theories of contraceptive use to human rights principles: implications for indicators on the supply and demand side*. Contraception and Reproductive Medicine, 9, 51.

Furthermore, the constitutional values embedded in Pancasila particularly the principles of humanitarianism and social justice mandate that state policy, including criminal law, must advance human dignity and collective welfare. The state's obligation to protect life, family, and human development inherently includes the responsibility to guarantee access to reproductive health services and education. Hence, a repressive interpretation of Article 408 that restricts contraceptive promotion would contradict the philosophical foundation of Indonesian legal development itself.²⁹

From the standpoint of criminal law policy (*strafrechtsbeleid*), the proportionality and necessity of punishment must always be tested against the objectives of the legal system. The criminalization of conduct that serves legitimate public health purposes risks undermining public trust in law and diminishing the preventive and educative functions of criminal law. Therefore, the proper approach is to interpret Article 408 restrictively, harmonizing it with *lex specialis* health regulations namely Government Regulation No. 61 of 2014 on Reproductive Health and Law No. 36 of 2009 on Health pursuant to the principle of *lex specialis derogat legi generali*.

Ultimately, the integration of criminal law with public health law reflects the broader restorative justice paradigm, which views the law not merely as a punitive instrument but as a medium for restoring social harmony and ensuring welfare.³⁰ Contraceptive promotion conducted within authorized frameworks should therefore be recognized as a legitimate, justified, and socially beneficial activity one that aligns with Indonesia's constitutional commitments, international human rights obligations, and the philosophical essence of Pancasila-based justice.

V. Conclusion

Regulations on contraceptive promotion measures, viewed from the perspective of *ius constitutum*, are regulated in various laws and regulations, including: Article 23 of Law Number 52 of 2009 concerning Population Development and Family Development (UUPKPK), Article 534 of Law Number 1 of 1946 concerning the Criminal Code, Article 21 of Government Regulation (PP) Number 61 of 2014 concerning Reproductive Health, and Articles 23 and 24 of Minister of Health Regulation Number 21 of 2021 concerning Pre-Pregnancy, Pregnancy, Childbirth, and Postpartum Health Services, Provision of Contraceptive Services, and Sexual Health Services. Legal protection for contraceptive promotion measures under the Criminal Code is that the courts are not permitted to impose criminal penalties for contraceptive promotion actions; they are only permitted to issue a decree of acquittal from legal prosecution (*onslag van alle rechtsovervolging*). Cannot be punished because the officer's actions have lost their unlawful nature, based on consideration of justification and excuse reasons owned by the authorized officer and that what he did by showing the contraceptive device was the implementation of a task given by the state in the framework of the government's population program. Based on these reasons, in practice in the field, police investigators will not carry out investigative actions against officers who have clearly carried out the act of showing contraceptive devices in public.

²⁹ Zakiyah, N., Suciati, E., & Afina, R. (2025). *The use of oral contraceptives and the risks of developing prehypertension and hypertension in women of reproductive age: Findings from a population-based survey in Indonesia*. BMC Public Health, 25. <https://doi.org/10.1186/s12889-025-22686-4>

³⁰ Garcia-Alexander, A., & Thompson, R. (2024). *Judgment, shame, and coercion: The criminal legal system and reproductive autonomy*. Health & Justice, 12(1), 1-18. <https://doi.org/10.1186/s40352-024-00259-8>

References

- Adnani, H., Ersianti, E., & Khuzaiyah, K. (2025). Determinant factors in the use of modern contraception in urban and rural areas in Western Indonesia. *BMC Public Health*, 25, Article 23299. <https://doi.org/10.1186/s12889-025-23299-7>
- Ananto, S. B. T., & Afifah, W. Legality of contraceptive use in children and adolescents based on Government Regulation No. 28 of 2024. *Progressive Law Review*, Vol.6(2), 2024. DOI: <https://doi.org/10.36448/plr.v6i2.224>
- Arifin, K. K., & Primadianti, H. (2023). Reviewing the implications of the living law as an expansion of the legal principle in the Criminal Code. *Sriwijaya Law Review*, 7(1), 112–130. <https://doi.org/10.28946/scls.v1i1.2732>
- Auliana, E. (2025). *Tinjauan Pelaksanaan PP No. 28 Tahun 2024 Tentang Kesehatan Terkait Penyediaan Alat Kontrasepsi Bagi Remaja dan Anak Usia Sekolah*. (Research in Lhokseumawe City) (Doctoral Dissertation, Universitas Malikussaleh)
- The National Population and Family Planning Board, *Rencana Strategis Badan Kependudukan dan Keluarga Berencana Nasional*, (Jakarta: BKKBN, 2020)
- Cantika, A. A. L., Satriana, I. M. W. C., & Negara, I. N. S., 2023, Kepastian Hukum Tindak Pidana Penghinaan Citra Tubuh (Body Shaming) Di Media Sosial. *Jurnal Komunikasi Hukum (JKH)* vol 9(1), :677-686
- Fahmi, Z., Hasibuan, A. M., Nasution, R. R., Asrofi, & Suroto. (2024). Criminal liability for illegal abortion in Indonesian and Islamic law: A comparative study. *Bilancia: Jurnal Studi Ilmu Syariah dan Hukum*, 18(1), <https://doi.org/10.24239/blc.v19i1.3909>
- Garcia-Alexander, A., & Thompson, R. Judgment, shame, and coercion: The criminal legal system and reproductive autonomy. *Health & Justice*, Vol.12(1), 2014. <https://doi.org/10.1186/s40352-024-00259-8>
- Hairi, P. J. (2019). Urgensi Mempertahankan Pengaturan Tindak Pidana Menunjukkan Alat Mencegah Kehamilan dalam RUU KUHP The Urgency of Rearranging Regulations on Criminal Act of Presenting Prevention of Pregnancy' s Device in the Criminal Code Bill. 10(2), <https://jurnal.dpr.go.id/index.php/hukum/article/download/1341/pdf>
- Myers, C. K. (2022). Confidential and legal access to abortion and contraception in the USA, 1960–2020. *Journal of Population Economics*, Vol. 35 . <https://doi.org/10.1007/s00148-022-00902-4>
- Notoatmodjo S, 2014, Promosi Kesehatan dan Perilaku Kesehatan, Rineka Cipta, Jakarta, hlm. 61.
- Pamungkas, A. D., & Suteki. (2025). Morality, law and health: A critique of the legality of device service provision contraception for teens. *International Journal of Social Science and Human Research (IJSSHR)*, 8(2), 15–26. <https://doi.org/10.47191/ijsshr/v8-i2-03>
- Puspita, A. A., Nurlaela, D., & Rahman, M. A. (2025). A critical review of Indonesia's health law and its implementing regulations: Strengths and challenges. *Southeast Asian Journal of Law and Governance*, 7(1), 45–62. <https://doi.org/10.22146/seajalgov.v2i1.19387>
- Ramelan, R., Rochmiyatun, S., & Armasito, A. (2025). Women's reproductive rights in the stunting prevention policy by the Government of Indonesia. *Hakamain: Journal of Sharia and Law Studies*, 4(1). <https://doi.org/10.57255/hakamain.v4i1.1341>
- Rizkiandini, S., Damayanti, R., & Fikri, A. M. (2025). Implementation of Government Regulation No. 28/2024 concerning adolescents contraception: A medical personnel perspective. <https://doi.org/10.54518/rh.5.4.2025.721>
- Satriana, I. (2013). Kebijakan Formulasi Keadilan Restoratif Dalam Sistem Peradilan Pidana Anak. *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)*, 2(3).

<https://doi.org/10.24843/JMHU.2013.v02.i03.p09>

- Senjaya, M., & Subrata, R. (2023). Critical review of criminalization policies in Law Number 1 of 2023 concerning the KUHP. *East Asian Journal of Multidisciplinary Research*, 2(12), <https://doi.org/10.55927/eajmr.v2i6.4497>
- Setiawan, A., Mustofa, M., Febrianti, R., & Pratama, D. The Indonesian criminal law system's progression in sexual assaults regulation. *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi*, Vol.6(2), 2022 <https://doi.org/10.24090/volksgeist.v5i2.6690>
- Sholihah, R. Hukum Mencegah Kehamilan Perspektif Imam Ghazali Dan Syekh Abdullah Bin Baaz. *Al-Hukama': The Indonesian Journal of Islamic Family Law*, Vol. 9. (1), 2019, <https://doi.org/10.15642/alhukama.2019.9.1.76-102>
- Siburian, R. J, 2020, Marital Rape Sebagai Tindak Pidana Dalam Ruu-Penghapusan Kekerasan Seksual, *Jurnal Yuridis*, Vol. 7, No. 1, <https://doi.org/10.35586/jyur.v7i1.1107>
- Sormin, I., & Ali, Z. Z. Comparative study of protection of women's rights in Article 463 of the New Criminal Code with Law Number 36 of 2009 concerning health: Perspective of Jasir Auda. *Millah Law Review*, Vol. 5 (1), 2023. <https://doi.org/10.32332/milrev.v2i2.7824>
- Yusuf, S. S. M. D., Akbarizan, Munir, A. A., & Fahlevi, M. R.. Women's reproductive rights (comparative family planning in Indonesia, Malaysia, and Turkey) in Islamic perspective. *Jurnal Mercatoria*, Vol. 18(1), 2025. <https://doi.org/10.31289/mercatoria.v18i1.14810>
- Zakiah, N., Suciati, E., & Afina, R. (2025). The use of oral contraceptives and the risks of developing prehypertension and hypertension in women of reproductive age: Findings from a population-based survey in Indonesia. *BMC Public Health*, 25. <https://doi.org/10.1186/s12889-025-22686-4>
- Zan, M. L., & Rossier, C. (2024). From theories of contraceptive use to human rights principles: implications for indicators on the supply and demand side. *Contraception and Reproductive Medicine*, 9, 51. <https://doi.org/10.1186/s40834-024-00314-7>
- Zuhriah, E., Syahriana, N. A., & Zainul Ali, Z. (2024). Navigating Islam and human rights: Examining women's right to refuse pregnancy in Indonesia. *Journal of Southeast Asian Human Rights*, 8(2). <https://doi.org/10.19184/jseahr.v8i2.4332>