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Buletin Hukum & Keadilan

The Scope of the Banten Provincial Government's Authority in Population Control Under Indonesia's Regional Governance Framework

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Abstract:

This study examines the scope of the Banten Provincial Government's authority in implementing population control policies within Indonesia's decentralized governance system. The research is grounded in the principle of decentralization as regulated under Law Number 23 of 2014 concerning Regional Government, which establishes the distribution of governmental affairs between the central and regional governments. The study specifically addresses two main issues: first, the authority of the Banten Provincial Government in implementing population control programs; and second, the institutional balance between the National Population and Family Planning Agency (Badan Kependudukan dan Keluarga Berencana Nasional / BKKBN) and the Office of Women Empowerment, Child Protection, Population Control, and Family Planning of Banten

Province (DP3AKKB) in implementing population control policies under Law Number 52 of 2009 concerning Population Development and Family Development. This research employs an empirical juridical method to examine the governmental affairs assigned to the Banten Provincial Government in the population control sector and to analyze the coordination between BKKBN and DP3AKKB as the primary institutions responsible for policy implementation. The study uses statutory analysis supported by empirical findings derived from institutional practices and policy implementation. The findings indicate that the authority of the Banten Provincial Government in population control affairs is regulated under Articles 11 and 12 of Law Number 23 of 2014 concerning Regional Government, which also carries financial implications under Law Number 33 of 2004 concerning Fiscal Balance between the Central Government and Regional Governments. Furthermore, the implementation of population control programs by BKKBN and DP3AKKB has not yet achieved optimal balance and effectiveness. This condition arises from the transfer of authority over family planning and population control programs from the central government to regional governments, resulting in policy disparities and variations in implementation among different regions. This study concludes that although decentralization aims to strengthen regional autonomy in population control governance, the shift in authority has created challenges related to institutional coordination, policy harmonization, and program effectiveness. Therefore, stronger intergovernmental coordination and regulatory synchronization are necessary to ensure effective and equitable implementation of population control policies across regions in Indonesia.

Keywords: *Population Control; Regional Government Authority; Decentralization; Family Development; Regional Autonomy; BKKBN; Public Governance; Indonesia.*

A. INTRODUCTION

The administration of government in Indonesia as a unitary state adheres to the principle of decentralization which provides opportunities and power to the regions to carry out regional autonomy. This is as stated in Article 1 paragraph (1) of the 1945 Constitution which states that Indonesia is a unitary state in the form of a Republic with a form of Government consisting of the Central Government and Regional Governments. Furthermore, Article 18 paragraphs (1) and (2) of the 1945 Constitution also states that:

- (1) The Unitary State of the Republic of Indonesia is divided into provincial areas and the provincial area is divided into districts and cities, each of which has a local government, which is regulated by law.
- (2) The provincial, regional, district and city governments regulate and manage government affairs themselves according to the principle of autonomy and assistance duties.

Decentralization itself is not a concept that was new when Indonesia became independent, but has existed since the Dutch colonial era before independence.¹ Juridical facts explain, especially after the Presidential Decree of July 5, 1959 which re-enacted the 1945 Constitution and its explanation,

¹ Umbu Rauta, *Constitutionality of Regional Regulation Testing*, Yogyakarta, Genta Publishing, 2016, p. 52

the existence of autonomous regions in the local government in Indonesia is already known . Regions became autonomous because the central government decentralized territory to them. With territorial decentralization of the political units in the region, the region becomes an autonomous region. This area is referred to as an autonomous region because after territorial decentralization by the central government, the area has the right to manage and regulate its own affairs based on the aspirations and interests of its people.²

The principle of decentralization in regional autonomy is further regulated in Law Number 23 of 2014 concerning Regional Government, which in Article 1 number 2 explains that local government is the implementation of government affairs by the local government and the regional people's representative council (DPRD) according to the principle of autonomy and the duty of assistance with the principle of autonomy as widely as possible in the system and principles of the Unitary State of the Republic of Indonesia as referred to in the 1945 Constitution. The Regional Government in this case is the leader of the implementation of government affairs which serves as the administrator of the government in the autonomous region which according to Article 1 number 12 is defined as a unitary area of the legal community that has territorial boundaries that are authorized to regulate and manage government affairs and the interests of the local community according to their own initiative based on the aspirations of the community in the system of the Unitary

² Hanif Nurcholis, *Theory and Practice of Government and Regional Autonomy*, Jakarta, Grasindo, 2017, pp. 110 –111

State of the Republic of Indonesia.

Regional autonomy gives the region the authority to take care of its household extensively, but it remains under the auspices of the unitary state of the Republic of Indonesia. Article 9 paragraph (1) of Law Number 23 of 2014 concerning Regional Government explains that government affairs consist of absolute government affairs, concurrent government affairs, and general government affairs, which in Article 9 paragraph (3) is again explained that concurrent government affairs as in paragraph (1) are government affairs that are divided between the Central and Regional Provincial and Regency/City Governments. Furthermore, Article 11 paragraph (1) of Law Number 23 of 2014 concerning Regional Government explains that concurrent government affairs as referred to in article 9 paragraph (3) which are the authority of the Regions consist of Compulsory Government Affairs and optional Government Affairs and paragraph (2) explains Compulsory Government Affairs as referred to in paragraph (1) consists of Government Affairs related to Basic Services and Government Affairs that are not related to Services Basic.

In order to regulate and manage government affairs based on authority according to the principle of autonomy and assistance duties, the Regional Government is given the right to establish regional regulations and other regional legal products. To carry out these own affairs, the regions have a people's representative council elected by the people of the region through free elections. The Regional House of Representatives and regional heads make regional policies and

implement them in accordance with the aspirations and wishes of the local community.³ One of the media for the regions in regulating their own affairs is to form regional regulations.

The provisions of Article 5 of Law Number 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning the Formation of Laws and Regulations have been established the principles for the formation of good laws and regulations, including clarity of objectives; appropriate institutions or forming officials; the conformity between the type, hierarchy, and material of the load; feasible; usability and profitability; clarity of formulation; and openness. The principle of the formation of good laws and regulations based on the provisions of this Article can also be categorized as the principle of the formation of formal laws and regulations. In addition to the principle of the formation of formal laws and regulations, in Article 6 of Law Number 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning the Establishment of Laws and Regulations, it is also stated that the content of laws and regulations must reflect the principle of protection; humanity; nationality; family; interchangeability; A single mother; justice; equality of position in law and government; order and legal certainty; and/or balance, compatibility, and alignment.

In practice, the implementation of the authority to form regional regulations so far still tends to ignore the principles of the formation of laws and regulations such as the principle of

³ *Ibid.*,

conformity of type, hierarchy and content material, where often regional regulations are formed not in accordance with the content material. In fact, in principle, both the central government and local governments have a synergistic mutual relationship. The Central Government in shaping policies must pay attention to local wisdom and vice versa when forming regional policies both in the form of Regional Regulations and other policies must pay attention to national interests. Thus, a balance will be created between synergistic national interests and still paying attention to local conditions, peculiarities, and wisdom in the implementation of government as a whole.⁴

This research limits the scope of local government affairs in the matter of population control as stipulated in Article 12 paragraph (2) of Law Number 23 of 2014 concerning Regional Government. This is because population problems are a global problem that has been a concern of humans since ancient times, including in Indonesia which occupies the fourth position of the country with the largest population in the world after China, India and the United States. The total population of Indonesia as of December 14, 2020 was recorded to have reached 274.86 million people.⁵ The high rate of

⁴ Jorawati Simarmata, "*Regional Policy Perspectives in the Context of Law No. 23 of 2014 concerning Regional Government and Related Laws and Regulations*", Legal Writing Manuscript, p.6

⁵ Cindy Mutia Annur, "*Indonesia Ranks 4th Most Populated Country in the World*", <https://databoks.katadata.co.id/datapublish/2020/12/15/indonesia->

population growth in Indonesia causes problems such as poverty, unemployment, crime, education, infrastructure and health. In fact, population as the basic capital of development is central in realizing sustainable development, so that the existence of a large population accompanied by a rapid population growth rate and low quality can certainly make it difficult to achieve development goals.⁶

The Government of Indonesia generally regulates population problems in Law Number 52 of 2009 concerning Population Development and Family Development. Population according to Law Number 52 of 2009 concerning Population Development and Family Development itself is a matter related to the number, structure, growth, distribution, mobility, spread, quality, and welfare conditions related to politics, economy, socio-culture, religion and the environment of the population. Therefore, population growth that is not regulated by planning will have a bad impact on the population itself because the growth in the population will continue to be inversely proportional to the area of land for the life of the people in the world.

The program was formed as an effort to control population growth nationally, one of which is managed under the auspices of the National Family Planning Population Agency (BKKBN) whose representatives are in each region. At

[peringkat-ke-4-negara-most-populous-world-accessed](#) on March 15, 2021 at 23.05 WIB.

⁶ BKKBN, "*Population Quantity Control 2010-2035*", GRAND DESIGN, West Sumatra, 2012, p.2.

the provincial level, for example in Banten Province, the population control program is also the scope of authority of the Banten Province Women's Empowerment Office for Child Protection, Population and Family Planning (DP3AKKB) which according to Regional Regulation No. 8 of 2016 concerning the Establishment and Composition of Regional Apparatus and Banten Governor Regulation Number 83 of 2016 concerning the Position, Main Duties, Functions, Types, Organizational Structure and Work Procedures of the Regional Apparatus of Banten Province has one of the one function of which is: Integration and synchronization of policies of the Central Government with the Provincial Regional Government in the context of population quantity control; Mapping of estimated population control coverage of Provincial Regions; and Program design development, management and implementation of Communication, Information and Education (KIE) advocacy, population control and family planning in accordance with local cultural wisdom.

With regard to population control programs, BKKBN generally has authority in 1) Fostering and increasing family planning independence; 2) Promotion and mobilization of the community supported by the development and socialization of population control policies; and 3) Training, research and development of population and family planning programs. As an institution that handles population problems at the provincial level, the Banten Province DP3AKKB has a mission, including increasing access and equitable distribution of quality health services, with the aim of controlling a balanced population growth rate, through strategies to control the rate

of population growth through increasing human resources, infrastructure, strategic partners, technology and family planning development methods with policies to increase integration policy, coaching and quality family development, it is stated that this mission will be applied by implementing the Population and Family Planning program.

This study highlights how to synchronize the work program of BKKBN with DP3AKKB in Banten Province in terms of quality population control. The Family Planning (KB) Program basically helps families to improve the quality of family planning and reproductive health services and supports population control policies. However, in its implementation, there are still often obstacles caused by technical and non-technical things that can affect the program, such as lack of ability to develop and carry out tasks and the provision of limited facilities. In Paramithasari's research in the city of Surabaya, it was stated that the high birth rate is the main factor in population growth, so this is the reason for the issuance of the Family Planning Program (KB) to the village level. The problems that occur in the implementation of the Family Planning Program (KB) in Jeruk Village, Lakarsantri District are the lack of clear guidelines for program implementation, lack of program socialization, conditions at the research site that do not support the program, and the low quality of implementing agents. By using a qualitative descriptive approach and the theory of Donald S. Van Meter and Carl E. Van Horn, it was found that the implementation of the Family Planning Program in Jeruk Village, Lakarsantri District, Surabaya City, was still not optimal because it was

not supported by SOPs. Some of the things that make the implementation of the family planning program not optimal are because the selection of IMP cadres is not based on ability, the lack of socialization of residents and the social, political and economic conditions that do not support the existence of family planning programs in the environment.⁷

Similar research on the implementation of the Family Planning (KB) program was also conducted by Sudarniasih, Maryuni and Eka.⁸ This study is based on, among others, the achievement of the implant and IUD family planning program, the low level of education in PUS and the lack of information about implants and IUDs received by PUS. Using a qualitative approach from the perspective of public administration, the results of the study show that the Family Planning Program (KB) for implants and IUDs in the Outpatient Health Center is still not well implemented. This condition can be seen from several findings such as the inconsistency of the schedule of socialization activities carried out and the absence of standard operating procedures (SOPs) for the implementation of activities in contraceptive services for the family planning program at the Wajok Hulu Outpatient

⁷ Anindya Wayan Paramithasari, *"Implementation of Family Planning (Kb) Program in Jeruk Village, Lakarsantri District, Surabaya City"*, Journal of Public Administration, State University of Surabaya, 2015, p.238

⁸ Lilik Sudarniasih, Sri Maryuni, Agus Eka, *"Implementation of Family Planning (KB) Program at the Wajok Hulu Outpatient Health Center in Mempawah Regency"*, Journal of Administrative Sciences, University of Tanjungpura Pontianak, 2016, p.114

Health Center. This study suggests to increase the quantity and quality of communication in the implant and IUD family planning program as well as optimize the number of existing midwives and improve their quality through training, maintain a disposition with mutual respect and coordination as well as increase the role in the organizational structure and always supervise the implementation of standard operating procedures (SOPs) so that the implementation of the implant and IUD family planning program runs as it should.

From the description of the two previous studies, it can be seen that the implementation of the Family Planning (KB) program as an effort to support population control programs has been extensively researched, especially from the perspective of public policy and the health sector. However, research that takes a legal perspective in the conception of local government authority in population control programs through family planning (KB) programs has only been carried out, and even tends to not exist. Thus, this is an opportunity to conduct further research on population control issues, so that the seriousness of local governments in making legal rules from the highest to the lowest, in accordance with the principle of decentralization embraced by Indonesia.

RESULTS AND DISCUSSION

B. Position of the Scope of Affairs and Authority of the Banten Provincial BKKBN Representative in the Implementation of the Population Control Program

National development fundamentally aims to realize social justice for all Indonesian people. This is the essence of the *basic function of the government* as explicitly stated in the Preamble to the 1945 Constitution in the 4th paragraph, *namely "... protect the entire Indonesian nation and all Indonesian bloodshed and to promote general welfare, educate the life of the nation"*. Therefore, the Indonesian government seeks to prepare various appropriate laws and regulations as a reference to achieve good national development, including in terms of population as regulated in Law Number 52 of 2009 concerning Population Development and Family Growth. Law Number 52 of 2009 concerning Population Development and Family Development shows clear regulations on population problems and becomes a basis used to create work programs in an effort to overcome the problem of population growth rate.

It is a complex problem, both in terms of quantity and quality, where the large population with the archipelago in carrying out problems in the fields of education, health, welfare, population distribution and economic equity, the population problem in the end not only describes a small scope but is also closely related to the national development problems faced by Indonesia as a whole. The reality that occurs is that public awareness related to population problems, especially in villages, is still relatively low. In

contrast to people who live in cities, people who live in villages are more sensitive to information and have a more open mind and are also supported by a higher level of economy and education, unlike people in rural areas who still think old-fashioned and also have a poor educational background and a low level of family economy. This is a homework for the government, especially local governments through OPDs that oversee population problems to be able to formulate policies so that the awareness of villagers increases.

BKKBN is an agency authorized to handle population problems at the central government level, which in its implementation is also present at the local government level with BKKBN representatives in each province. Meanwhile, the special agency that handles population issues at the local government level is DP3AKKB.

In short, BKKBN started as a purely private organization in 1957, then developed into a semi-governmental organization in 1968. In 1960 many parties were worried about the negative impact of the population growth rate and the high fertility rate in the developing country in Indonesia. With the discovery of contraceptive devices and drugs that are cheap and can reach the needs of most developing countries, family planning is the best way to answer the problem of population growth.

Article 20 of Law Number 52 of 2009 concerning Population Development and Family Development says that in order to realize a balanced population growth and quality families, the Government establishes family planning policies

through the implementation of family planning programs. This article shows the government's initial commitment to overcoming population problems in our country, especially in areas where the population growth rate is still large.

For family policy issues, the government is also regulated in this Law, namely in Article 21 and Article 22. Article 21 paragraph (1) states that family planning policies are implemented to assist prospective or married couples in making decisions and realizing reproductive rights responsibly regarding:

1. Ideal age of marriage
2. Ideal age for childbirth
3. Ideal number of children
4. Ideal distance of birth of a child
5. Reproductive health counseling

Meanwhile, Article 22 paragraph (1) states that the family planning policy as referred to in Article 21 is made to:

1. Increased integration and community participation
2. Family building
3. Pregnancy management by paying attention to religion, socio-economic and cultural development conditions, and values that live in society.

In this article, it is very clear the need for public awareness in carrying out government programs. Family Planning is one of the programs promoted by the government to reduce the growth rate of Indonesia's population. This is because the number of Indonesia's population occupies the fourth highest position in the world. If not controlled, then this population explosion will become a social problem that can interfere with the development of the nation. The Family Planning Program is under the supervision of BKKBN as the manager and regulator of program implementation for the Indonesian people. One of the things carried out by BKKBN is to campaign for the family planning program, which is to invite the public to participate in the family planning program, so that the number of families can be controlled.

In accordance with the development program paradigm in general, family planning programs are directed at several development goals:

1. Reducing the population growth rate through reducing the birth rate to improve the strand of people's lives.
2. Improve women's health and quality of life by helping them prevent unwanted pregnancies and abortions.
3. Advancing the rights of couples and women (gender equality) to help families in accordance with the freedoms and responsibilities outlined in reproductive and social rights

BKKBN in 1970 officially began to become a

government agency that was concerned with managing the national family planning program. BKBBN is spread across various provinces in Indonesia, including in Banten Province, where the BKKBN representative of Banten Province is an extension of the Central BKKBN, which in terms of budget and program is not an organization that is under the direct control of Banten Province, so it is not responsible to the Governor of Banten Province as the Regional Head.

Presidential Regulation of the Republic of Indonesia Number 62 of 2010 concerning the National Agency for Population and Family Planning explains the main objectives and functions of BKKBN in accordance with those stated in articles 2 and 3 paragraphs (1) and (2). For more details, the duties of BKKBN are regulated by this Presidential Regulation which is contained in article 2 which reads:

BKKBN has the task of carrying out government duties in the field of population control and the implementation of family planning.

As for the function itself, it is stated in Article 3 paragraph (1), which reads:

- a. Formulation of national policies in the field of population control and the implementation of family planning
- b. Determination of norms, standards, procedures, and criteria in the field of population control and family planning

- c. Implementation of advocacy and coordination in the field of population control and the implementation of family planning
- d. Implementation of communication, information, and education in the field of population control and the implementation of family planning
- e. Implementation of monitoring and evaluation in the field of population control and implementation of family planning
- f. Coaching, guidance, and facilitation in the field of population growth control and implementation

Regarding the family planning program, the role of BKKBN in Population Regulation and Family Planning Program Family planning programs are implemented through several policies that have been determined, including:

1. Information Communication and Education Services (KIE)

Communication is the delivery of messages directly or indirectly through communication channels to the recipient of the message, to get an effect, Communication is the exchange of thoughts or information in order to create a sense of mutual understanding and mutual trust, for the realization of a good relationship between a person and others.

2. Contraceptive Services and Protection of Family Planning

Participants

Contraception in family planning services is now recognized as a pill, spiral and condom but it is recognized by not many who have carried out family planning programs by using outside of the three contraceptive methods such as Sterilization and Injection, Sterilization is carried out on men called Vasectomy and on women, namely Tubectomine.

3. Community Participation and Government Institutions

The community approach is directed to increase and promote the role of the community (peditrilian) which is fostered and developed in a sustainable manner so as to coordinate the implementation of various family planning programs and the development of prosperous families so that they can support each other and have synergistic strength in achieving goals by implementing parallel partnerships. This community approach is highlighted by the cooperation of the government's intuition, namely the Health Office, BPPKB and Puskesmas.

4. Family Planning Education

Through education (school) and training, both family planning officers, midwives, doctors in the form of counseling training and population education skills have not been in the community and have not received government attention. As a result, until now the form of implementation of population education is not clear so that

the implementation of population education and family planning is proposed to be included in the educational curriculum and extracurricular activities starting from the new school year. The hope is that it will be able to change the mindset of the younger generation

Family planning programs are carried out on a voluntary basis and do not contradict the religion, beliefs and morals of Pancasila. Thus, guidance, education and direction are needed so that the community with their own awareness can appreciate and accept the small family pattern as one of the main steps to improve the welfare of their lives. Therefore, the implementation of family planning programs is not only concerned with technical medical issues, but also covers various other important aspects of the lifestyle and life of the community. This is as stipulated in Article 23 paragraph (1) of Law Number 52 of 2009 concerning Population Development and Family Development which explains that the Government and local governments are obliged to improve access and quality of information, education, counseling, and contraceptive services by:

1. Provide contraceptive methods according to the choice of married couples by considering age, parity, number of children, health conditions, and religious norms
2. balancing the needs of men and women
3. Provides complete, accurate, and easily obtained information on the side effects, complications, and failures of contraception, including its benefits in preventing the

spread of viruses that cause disease, decreased immunity and infectious infections due to sexual intercourse.

4. Improve safety, affordability, health insurance, and availability of high-quality contraceptive tools, drugs and methods
5. Improving the quality of human resources for family planning officers
6. Providing reservice and handling of side effects and complications of using contraceptives.
7. Provide essential reproductive health services at the primary level and comprehensive at the referral level
8. Promoting the importance of breastfeeding and exclusive breastfeeding to prevent pregnancy 6 months after birth, improve the health status of mothers, babies and children
9. Through providing information about the prevention of the inability of couples to have children after 12 months without using pregnancy control tools for married couples

Meanwhile, Article 24 itself, especially paragraph (3), states that the implementation of contraceptive services is carried out in a way that can be accounted for in terms of religion, cultural norms, ethics, and health.

Responding to article 23, in Article 25 paragraph (1) follows it up in accordance with its contents, namely:

The husband and/or wife have the same position of rights, and obligations in carrying out family planning.

The above is also in accordance with Articles 5 and 6 regarding the rights and obligations of residents. The content of this article is strengthened by the existence of Article 26 paragraph (1) which states:

The use of contraceptive devices, drugs, and methods that pose a risk to health is carried out with the consent of the husband and wife after obtaining information from the health workers who have and the authority to do so.

Meanwhile, Article 27 itself says that everyone is prohibited from counterfeiting and abusing tools, drugs, and contraceptive methods outside of the set goals and procedures. From Article 27, more accurate information is obtained about the contraceptive itself as stated in Article 28, namely:

The delivery of information and/or demonstration of tools, drugs, and contraceptive methods can only be carried out by health workers and other trained personnel and carried out in a proper place and in a proper manner.

Various birth control tools were introduced and people were given the flexibility to choose which contraceptive device suits their choice. Some of the types of contraceptives in this family planning program include birth control pills, Spirals, vasectomy, injections, IUDs and also condoms. This as

stipulated in Article 29 paragraph (1) reads:

The government and local governments regulate the procurement and distribution of contraceptive devices and drugs based on the balance between wholeness, provision, and equitable distribution of services in accordance with the provisions of laws and regulations.

To improve the quality of families with toddlers, BKKBN also implements the Toddler Family Development (BKB) program which has been launched since 1980 as an effort to improve family knowledge and skills in nurturing and fostering optimal child growth and development through parent-child interaction. As a supporter of this BKB program, BKKBN also made other programs including Posyandu in which there is a Healthy Path Card (KMS) to see children's growth, Child Development Card (KKA) to see child development.

For families with teenagers aged 6-21 years (unmarried), a Youth Family Development (BKR) activity program can be provided. BKR is an activity carried out by families, especially parents or other families to improve the development of adolescents in a good and directed manner in the context of developing quality human resources. In this activity, the most important thing is how parents can take care of children who are experiencing puberty. Meanwhile, families with elderly people can take part in the Elderly Family Development (BKL) program. BKL is a forum for activities carried out by families who have the elderly to know,

understand, and be able to foster the conditions and problems of the elderly in order to improve the welfare of the elderly.

In addition to the Representative BKKBN, in Banten Province there are also other agencies that are authorized to carry out population control, namely DP3AKKB Banten Province. The position of DP3AKKB is based on Regional Regulation Number 8 of 2016 concerning the Establishment and Composition of Regional Apparatus and Regulation of the Governor of Banten Number 83 of 2016 concerning the Position, Main Duties, Functions, Types, Organizational Structure and Work Procedures of the Regional Apparatus of Banten Province which states that the Service is an element of implementing government affairs that is the authority of the Regional and is led by a Head of Service who is located below and responsible to the Governor through Regional Secretary.

Referring to the Banten Governor Regulation Number 83 of 2016 concerning the Position, Main Duties, Functions, Types, Organizational Structure and Work Procedures of the Regional Apparatus of Banten Province, the functions of the Banten Province DP3AKKB, especially in terms of population control, are as follows:

1. Preparation of provincial population profiles;
2. Integration and synchronization of policies of the Central Government with provincial Regional Governments in the context of population quantity control;
3. Mapping of estimated population control coverage of

provincial regions;

4. Development of program design, management and implementation of Communication, Information and Education (KIE) advocacy, population control and family planning in accordance with local cultural wisdom;
5. Empowerment and improvement of the participation of community organizations at the provincial level in the management of services and fostering participation in family planning;
6. Management of the implementation of the family development program design through fostering family resilience and welfare;
7. Empowerment and increasing the participation of provincial community organizations in family development through fostering family resilience and welfare;
8. Implementation of coordination of the implementation of population administration;
9. Implementation of guidance, supervision and consultation on the implementation of population registration and civil registration;
10. Fostering and socializing the implementation of population administration;
11. The presentation of provincial-scale population data

comes from population data that has been consolidated by the ministries responsible for domestic government affairs;

12. Coordination of supervision of the implementation of population administration;

Population problems are under the auspices of the Population Control and Family Planning Division DP3AKKB Banten Province and oversee three other sections, namely the Population Mapping and Control Section, the Advocacy, Information Communication, Education and Development of Family Planning Services and the Prosperous Family Planning Empowerment and Family Planning Services Section. Based on the work plan DP3AKKB 2020, it is known that there has been a decrease in the use of contraceptives by Family Planning Acceptors, which can be seen from the percentage of birth control achievements in 2019 compared to 2018 with a decrease of 8.65%. This condition makes the Banten Province DP3AKKB prioritize programs on improving advocacy, communication, information and education about family planning through several activities including:

1. Population Quantity Mapping and Control focused on:
 - a. Monitoring and evaluation of population development at the Banten Province and Regencies/Cities level throughout Banten Province
 - b. Mapping of population development in Banten Province

- c. Capacity Building of Population Mapping and Control Program Managers
 - d. Population Education Development
 - e. Population Management Study and Analysis
2. Development of Family Planning (KB) Program Design, Management and Implementation (AKIE) which is focused on:
- a. Development of the Family Planning Village Program
 - b. Improving the Management of KKBPK Data and Information Systems
 - c. Increasing Partnerships for the Implementation of the KKBPK Program
 - d. Dissemination of Reproductive Health Programs
 - e. Improvement of family planning programs through Family Planning Service Networking
 - f. Improving the Quality of Family Planning Service Management
3. Prosperous Family Empowerment which is focused on:
- a. Improving the Quality of Prosperous Family Service Management

- b. Fostering Toddler Family Development Group (BKB), Youth Family Development (BKR) and Elderly Family Development (BKL)
- c. Dissemination of Family Life Preparation for Adolescents
- d. Fostering Increasing Family Income Through UPPKS
- e. Improving Family Planning and Prosperous Family Services Consultation Services through the Prosperous Family Service Center
- f. Capacity Building for Generation Planning (GENRE)
- g. Capacity Building of Village Family Planning Assistant Cadres (PPKBD) in Fostering Population, Family Planning and Family Development (KKBPK) programs.

C. Scope of Authority of the Banten Provincial Government in Population Control based on Law Number 52 of 2009 concerning Population Development and Family Growth

Juridical authority is a legally valid right and power of the government. Therefore, in the concept of the state of law (*rechstaat*), all government actions that derive from its authority must be based on the principle of legality. This refers to Article 18A of the 1945 Constitution which provides a constitutional basis for regulating the relationship of authority between the central government and local governments.

Article 18A of the 1945 Constitution

- (1) The relationship of authority between the central government and the local governments of provinces, districts, and cities, or between provinces and districts and cities, is regulated by law by taking into account the specificity and diversity of the region.
- (2) Financial relations, public services, the use of natural resources and other resources between the central government and local governments are regulated and implemented fairly and harmoniously based on the law.

Based on these provisions, to regulate the relationship between central and regional authorities that are mandated can be done through various laws and regulations, either those that specifically regulate regional autonomy, or are spread across various laws and regulations. This is based on empirical and juridical realities that illustrate the scope of regulation on the relationship between central and regional authorities is not regulated by a single law.

Financial relationships, public services, and resource utilization are related to various other sectors that cannot be treated equally. Therefore, there is a need for a law that specifically regulates the relationship between central and regional authorities in general, and various other laws related to regional autonomy are also needed. As stated in the previous discussion, discussing the relationship of authority between the central and regional governments is related to the

division of government affairs. In particular, the current division of authority between the Central Government and the Regional Government refers to the provisions in Law Number 23 of 2014 concerning Regional Government

Becoming one of the tools in the government administration system, the Regional Government as mentioned in Law Number 23

In 2014, the Regional Government has the authority to realize decentralization, namely the distribution of authority and government affairs in a state organization as a consequence of the existence of regional autonomy. The distribution of authority and government affairs is expected to develop communities in regions throughout Indonesia's vast territory and is expected to prosper the Indonesian people themselves.

According to Law Number 23 of 2014 concerning Regional Government, the local government is the regional head as an element of the Regional Government organizer who leads the implementation of government affairs that are the authority of the autonomous regions. Law Number 23 of 2014 concerning Regional Government also regulates the classification of government affairs consisting of 3 affairs, namely absolute government affairs, concurrent government affairs, and general government affairs. Absolute government affairs are government affairs that are fully under the authority of the Central Government. Concurrent government affairs are government affairs that are divided between the Central and Regional Governments of provinces and districts/cities. Meanwhile, general government affairs are

government affairs which are the authority of the President as the head of government.

In relation to regional authority in various affairs, affairs that are not handed over to the regions in the context of implementing the principle of decentralization are the authority and responsibility of the regions completely. In this case, it is completely left to the regions, both in terms of determining policies, implementation, and financing aspects, as well as the regional apparatus itself, namely especially regional offices.⁹ Therefore, in order to carry out the role of decentralization, deconcentration and assistance tasks, local governments carry out concurrent government affairs, in contrast to the central government which carries out absolute government affairs.

Concurrent Government Affairs are divided between the Central and Regional Governments of provinces and districts/cities. It is based on the principles of accountability, efficiency, and externality, as well as national strategic interests. Concurrent government affairs consist of compulsory and optional government affairs. Government affairs must be further divided into Government Affairs related to Basic Services and Government Affairs that are not related to Basic Services.

Table 4.1

⁹ Daan Suganda, *System of Government of the Republic of Indonesia, Government in the Regions*, Bandung, Sinar Baru, 2017, p. 87.

Local Government Affairs

Mandatory affairs related to basic services	Compulsory affairs not related to basic services
2. Health.	1. Labor.
3. Public works and spatial planning	2. Women's empowerment and child protection
4. People's housing and residential areas	3. Food
5. Peace, public order and protection of the community	4. Land
6. Social.	5. Environment
	6. Population administration and civil registration
	7. Community and village empowerment
	8. Population control and family planning
	9. Relationships
	10. Communication and informatics
	11. Cooperatives, small and medium enterprises
	12. Investment

	<ul style="list-style-type: none">13. Youth and sports14. Statistics15. Cryptography16. Culture17. Library18. Archives.
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The division of concurrent government affairs between the Central and Regional Governments of the provinces and districts/cities as mentioned above is based on the principles of accountability, efficiency, and externality, as well as national strategic interests. The following are the criteria for central government affairs, provincial and regency/city areas.

1. Criteria for Government Affairs under the authority of the Central Government
 - a. Government Affairs that are located across provincial or cross-country regions;
 - b. Government Affairs whose users are cross-regional, provincial or cross-country;
 - c. Government affairs whose benefits or negative

- impacts are cross-regional, provincial or cross-country;
- d. Government affairs whose use of resources is more efficient if carried out by the Central Government; and/or
 - e. Government affairs whose role is strategic for the national interest.
2. Criteria for Government Affairs under the authority of the Provincial Government
- a. Government Affairs which are located across districts/cities;
 - b. Government Affairs whose users cross districts/cities;
 - c. Government affairs whose benefits or negative impacts cross districts/cities; and/or
 - d. Government affairs whose use of resources is more efficient if carried out by the Provincial Regions.
3. Criteria for Government Affairs under the authority of the Regency/City Regional Government
- a. Government Affairs located in districts/cities;
 - b. Government Affairs whose users are in the district/city area;

- c. Government affairs whose benefits or negative impacts are only in the district/city area; and/or
- d. Government affairs whose use of resources are more efficient if carried out by the district/city region.

From this explanation, it can be seen that population is the most basic thing in development and is one of the targets of mandatory government affairs that are not related to basic services. Population Development and Family Development must receive special attention in the context of sustainable national development, so that the population must be the central point of development so that every resident and his future generations can live healthy, prosperous, productive and harmonious with their environment and become quality human resources.

Population Control and Family Planning is also a mandatory government affair, referring to Article 12 paragraph (2) point (h) of Law Number 23 of 2014 concerning Regional Government which states that Population Control and Family Planning is included in the affairs of Concurrent Government that is not related to Basic Services. One of the consequences of this article is the division of government affairs between the Central Government and Regional Governments in the field of Population Control and Family Planning.

The division of government affairs in Law Number 23 of 2014 is regulated in such a way in a definitive and detailed manner. This certainly has implications for the authority of

local governments which are clear and limited only to matters that are explicitly regulated in the law. In addition to absolute government affairs that have become the central authority, concurrent affairs that are the authority of the regions must also be reduced in terms of autonomy freedom. This is because the Central Government has the authority to make arrangements in the form of Norms, Standards, Procedures, and Criteria (NSPK) which are used as a reference for provincial, regency/city local governments to carry out government affairs that are the authority of the region; Authorized to monitor, evaluate and supervise local governments, and authorized to conduct government affairs on a national (cross-provincial) or international (cross-country) scale. This is stated in Article 16 paragraphs (1) and (2) of Law Number 23 of 2014 concerning Regional Government, namely:

- (1) The Central Government in conducting concurrent government affairs as referred to in Article 9 paragraph (3) is authorized to:
 - a. establishing norms, standards, procedures, and criteria in the context of the implementation of Government Affairs; and
 - b. carry out guidance and supervision of the implementation of Government Affairs under the authority of the Regions
- (2) Norms, standards, procedures, and criteria as referred to in paragraph (1) letter a are in the form of provisions and laws and regulations set by the Central Government as

guidelines in the implementation of concurrent government affairs that are the authority of the Central Government and which are the authority of the Regions.

In the next article, namely article 17 paragraph (3), there are provisions regarding the consequences if the local government is not guided by the provisions of the NPSK set by the central government, namely:

- (3) In the event that the regional policy made in the context of the implementation of Government Affairs under the authority of the Regional does not follow the norms, standards, procedures, and criteria as intended in paragraph (2), the Central Government cancels the Regional policy as intended in paragraph (1).

The government's authority in terms of Norms, Standards, Procedures and Criteria of the NPSK) will certainly make government affairs that are the authority of the regions more rigid and limited, not only in terms of the scope of their authority but also in terms of their implementation procedures. All NPSK, which is very detailed and technical, is also prepared and determined by the central government unilaterally without involving the local government, but it is legally obligatory to obey and be guided by the local government. This provision will clearly reduce or even eliminate the freedom of local governments in managing their household affairs independently. Local governments only carry it out with a very small scope of discretion and the possibility of change. Provisions regarding the cancellation of regional policies that are not in accordance with the NPSK by

the central government also have the potential to castrate the essence of the widest possible regional autonomy as mandated by the constitution.

The division of government affairs as regulated in Law Number 23 of 2014 concerning Regional Government is more inclined to the teachings of the material household system and the real household system. On the one hand, there is a detailed division of government affairs between absolute, concurrent, and general governmental affairs, with a firm distinction between each level of government which is characteristic of the material household system. The material household system is also based on the idea that there is indeed a fundamental difference between the affairs of the central and regional governments.

Regions are considered to have their own scope of government affairs which are materially different from government affairs regulated and managed by the central government. Furthermore, this system departs from the idea that government affairs can be sorted out in various government unit environments. Meanwhile, the concept of a real household system is reflected in the provisions regarding choice matters. Where this optional matter gives the authority to each local government to independently manage and develop the advantages owned by their respective regions. This is in line with the teachings of real households where the contents of regional households are based on real circumstances and factors. In this system, the handover of affairs and authority to the regions is based on real or real factors, according to actual needs and capabilities.

This research focuses on the problem of local government authority in the field of population. In national development and regional development, there is no doubt that the population and its dynamics have a very important role. Residents are human beings themselves, while their dynamics are everything related to the population. Thus, in essence, all aspects of development planning must refer to and be based on the population situation that is occurring. This is because the population is the main beneficiary of development, so it is not an exaggeration if the population situation is closely related to development. The number, structure, distribution, and growth of the population have an impact on various aspects of development such as social, economic, cultural, food, energy, environmental, political and security as well as various other aspects of development. On the other hand, these aspects of development reciprocally also have an influence on the population situation both now and in the future.

Population problems that are dynamic and actual, open up a wide space of authority in regional development, which therefore requires the alignment of actual and sustainable population programs. Moreover, population dynamics cause the population situation to be very complex because it is related to other dimensions that are very broad, namely economic, political, social, environmental and so on. Policy alignment is very crucial in the implementation of regional autonomy because the flexibility for district and city governments to plan, implement and determine development priorities in the regions results in a diversity of development

implementations, including the Population Control and Family Planning Program.

This provision is also strengthened by Law Number 52 of 2009 concerning Population Development and Family Development, in relation to the authority of the Provincial, Regency/City Governments in the field of population control and family planning. In the law, the responsibilities of the Provincial, Regency/City local governments are explained, namely:

1. determining the implementation of population development and family development in the province, district/city; and
2. Socialization, advocacy, and coordination of the implementation of population development and family development in accordance with the needs of the aspirations and abilities of the local community.

If it is associated with the implementation of authority in the field of population control and family planning in Banten Province, the provisions are contained in the letters k, n and o of Article 7 paragraph (2) of Government Regulation Number 38 of 2007 concerning the Division of Government Affairs Between the Government, Provincial Regional Governments, and Regency/City Regional Governments. Based on this description, it is clear that the affairs of occupation control and family planning are the authority and affairs of the Provincial Government, including the Banten Provincial Government. Furthermore, the Governor as the

regional head of the Provincial Government delegated tasks regarding population control and family planning to the Banten Provincial BKKBN. Delegation can be interpreted as the delegation of formal authority and responsibility from superiors to others to carry out certain tasks. Delegation of authority is the process of transferring authority from superiors to appointed persons

The problem of the authority to manage the Population Control and Family Planning Program is fundamental in efforts to implement the program and realize services to the community. The factors that affect the population situation in Indonesia are so complex that the institutional structure that handles it currently requires coordination between sectors and ministries/institutions.

The effectiveness of this population development coordination should start from the planning phase to its implementation in such a way that it will be able to reduce the gap between concepts and its implementation, eliminate various clashes between policies and regulations, reduce conflicts of authority and multiinterpret policy implementation. Institutional arrangements in the regions are expected to be non-overlapping and partial so that they are able to handle the problems of population control and family planning in a synergistic and integrated manner. In order to strengthen regional autonomy, the authority and authority of the Ministry of Home Affairs in carrying out the duties, functions, guidance, and supervision of the regions are needed simultaneously and in synergy with the tasks, technical coaching functions, and technical supervision of the BKKBN.

The essence of national development as the practice of Pancasila and the 1945 Constitution is the development of a whole human being. National development encompasses all dimensions and aspects of life including population development and family development. The population as the center of development is a manifestation of development based on the people, that is, from the people, by the people, and for the people. The vision of population-based development is to create a balanced population growth condition that will realize the welfare of the people or residents.

Population development is still a major problem in Indonesia, with the fact that the population growth rate remains high, child and maternal mortality remains high, access to health services and family planning is still lacking, coupled with the declining quality of Indonesia's population and is very concerning. In fact, in Article 1 of the Government Regulation of the Republic of Indonesia of 1994 concerning the Management of Population Development states that:

Population development management is an effort to carry out activities related to the study, planning, implementation, monitoring, counseling, control, and evaluation of population development problems.

The increasing population density in Banten Province every year makes the community anxious about the population explosion. The public should realize that with this population explosion, they must prepare more funds for education costs, health costs and not to mention the increasing

unemployment rate and crime rate. Therefore, public awareness is important.

In relation to the role of the population, their quality needs to be improved through various inherent resources, and the realization of quality small families, as well as efforts to scenario the quantity of population and population distribution. Referring to the attachment to Law Number 23 of 2014 concerning Regional Government, the following are details of the division of central government and local government affairs in the field of population control and family planning, namely:

Table 4.2

Division of Government Affairs in the Field of Population Control and Family Planning

NO	SUB U RUSAN	CENTRAL GOVERNMENT	PROVINCIAL REGIONS	DISTRICT/CITY AREA
1.	Control Population	a. Integration and synchronization of population quantity control policies. b. Determination of population control estimates nationally	a. Integration and synchronization of the policies of the Central Government with the provincial Regional Government in the context	a. Integration and synchronization of provincial local government policies with district/city local governments in the context of population quantity control.

			<p>of controlling the quantity of population.</p> <p>b. Mapping of estimated population control in the coverage of the provincial area</p>	<p>b. Mapping of estimated population control coverage of district/city areas</p>
2.	Family Planning (KB)	<p>a. Preparation of program design and management of advocacy, communication, information and population control education</p> <p>b. Management of family planning extension personnel/KB field officers (PKB/PLKB). c. Management and provision of contraceptive devices and drugs for the needs of national PUS.</p>	<p>a. Development of program design, management and implementation of advocacy, communication, information and education (KIE) population control and family planning in accordance with local cultural wisdom.</p> <p>b. Empowerment and increase the participation of community</p>	<p>a. Implementation of advocacy, communication, information and education (KIE) population control and family planning according to local cultural wisdom.</p> <p>b. Utilization of family planning extension workers/family planning field officers (PKB/PLKB).</p> <p>c. Control and distribution of contraceptive equipment and</p>

		<p>d. Management and control of family information systems.</p> <p>e. Empowerment and increase the participation of community organizations at the national level in service control and fostering participation in family planning.</p>	<p>organizations at the provincial level in the management of services and fostering participation in family planning.</p>	<p>drugs needs as well as the implementation of family planning services in districts/cities.</p> <p>d. Empowerment and increasing the participation of community organizations at the district/city level in the implementation of services and fostering participation in family planning.</p>
3.	A Prosperous Family	<p>a. Development of family development program design through fostering family resilience and welfare.</p> <p>b. Empowerment and increase the participation of community organizations at the national level in family</p>	<p>a. Management of the implementation of the family development program design through fostering family resilience and welfare.</p> <p>b. Empowerment and increase the</p>	<p>a. The implementation of family development through fostering family resilience and welfare.</p> <p>b. Implementation and increase of the participation of community organizations at the district/city level in family</p>

		development through family resilience and welfare.	participation of community organizations at the provincial level in family development through fostering family resilience and welfare.	development through fostering family resilience and welfare.
4.	Standardization and Certifications	Standardization of family planning services and certification of family planning extension personnel/field officers (PKB/PLKB).	---	---

The authority of local governments in solving population problems in their regions is inseparable from the population control program that has been prepared by the central government. Therefore, the government has prepared a *Grand Design* for Population Development in Regional Development Planning which aims to provide policy direction for implementation over a certain period of time in an effective, efficient, measurable, consistent, integrated, institutionalized and sustainable manner. In addition to being motivated by the need for common perception, the creation of *this grand design* is also needed to resolve a number of things

such as gaps in concept and implementation, clashes between regulations, differences of opinion, conflicts of authority, and multiple interpretations of policy implementation.

The Population Development Grand Design (GDPK) is a population development master design that is derived from the RPJPN which has been confirmed through Presidential Regulation Number 153 of 2014, to be a reference for ministries and local governments in population development planning. In accordance with Presidential Regulation Number 153 of 2014 concerning *the Grand Design* of Population Development, there are five pillars of development in the population sector, including:

1. Population quantity management

Population quantity management is carried out with the principle of population quantity control which is carried out by implementing policies to regulate fertility and reduce mortality. The fertility regulation policy is implemented through efforts to cultivate the norms of small, happy, and prosperous families in the Family Planning (KB) program. In general, the policy direction of the Family Planning program includes:

- a. maturity of marriage age;
- b. the desired pregnancy arrangement;
- c. fostering family planning participation;

- d. the use of tools, drugs, and/or methods of pregnancy regulation;
- e. increased access to family planning services; and

Population mortality reduction policies are implemented through efforts to reduce maternal and child mortality, with policy directions including:

- a. reduction in the mortality rate of pregnant women;
- b. a decrease in maternal mortality in childbirth;
- c. a decrease in postpartum mortality; and d. Reduction in infant and child mortality rates.

2. Improving the quality of the population

Improving the quality of the population refers to the variables contained in the human development index (HDI). HDI explains how residents can access the results of development in obtaining income, health, education, and so on. HDI is formed by 3 (three) basic dimensions, namely education, health, and decent living standards. HDI is an important indicator to measure success in efforts to build the quality of human life (community/population). HDI can determine the ranking or level of development of a region/country. The policy direction to improve the quality of the population in the health sector is carried out through:

- a. improving the quality of life, especially for mothers

and children by improving the coverage and quality of health services, increasing the role of local and private governments and empowering families and communities;

- b. improving nutritional status by strengthening community nutrition improvements and increasing the availability and accessibility of people's food;
- c. Improving the control of infectious and non-communicable diseases, increasing access to clean water and proper sanitation and improving clean and healthy living behaviors.

In general, the policy direction of improving the quality of the population in the field of education is carried out through:

- a. increasing the population's access to education both economically and physically (9 and 12 years of education);
- b. improving the competence of the population through formal, non-formal and informal education in order to meet the needs of national development; (Including the Job Training Center participants) and
- c. reducing education gaps by gender by increasing women's access to education (Gender Development Index).

In general, the direction of policies to improve the quality of the population to improve the standard of living should be implemented through:

- a. improving the economic status of the population by expanding employment opportunities and reducing unemployment; and
 - b. reducing economic inequality as one of the efforts to reduce poverty rates.
 - c. protection of vulnerable populations through comprehensive social protection and security schemes.
3. Arrangement of distribution and direction of population mobility

The arrangement of distribution and direction of population mobility is carried out by seeking to increase the mobility of the non-permanent population by providing various social, economic, cultural, and administrative facilities in several regions; and reduce the mobility of residents to metropolitan cities or large cities. In general, the policy directions for structuring the distribution and directing of population mobility that are implemented include:

- a. urbanization management that leads to sustainable urban development;
- b. directing the distribution of the population according

to the needs of each region by building an employment information system;

- c. prevention of the emergence of factors that can cause forced displacement (prevention of slum development); and
- d. providing maximum protection to Indonesian workers who work abroad.

4. Quality family building

Quality family development aims to create a family that fears God Almighty, a family based on a valid marriage, a family that has resilience and family flexibility that has a national perspective and contributes to society, nation, and state; and families who are able to plan family resources. In general, the direction of the family development policy implemented includes:

- a. strengthening family life planning for adolescents, both physically and mentally.
- b. Increasing knowledge and skills in fulfilling family nutrition for families.
- c. Increasing knowledge and skills in parenting and child and adolescent growth and development for families.
- d. Increase knowledge and skills in conducting relationships between family members and between

generations.

- e. strengthening elderly life planning for families.
 - f. assistance to the elderly through the community and family.
5. Arrangement of population data and information and population administration In this fifth pillar, the main goal is the realization of a single population data system in the planning and implementation of development to strengthen the accuracy of development goals. In general, the policy directions implemented include:
- a. structuring and managing population databases;
 - b. structuring and publication of population documents;
 - c. strengthening population data and information at the village level.
 - d. Development of integrated data on population and family information systems based on information technology.

The Population Development Grand Design is expected to provide policy direction in the planning and implementation of development efforts in the population sector based on the five pillars as a minimum benchmark in the planning and implementation of development in the population sector. Based on the research conducted, in addition to the authority referring to *the Grand Design*, it can also be described several

scopes of local government authority in the implementation of population control, which in this case is more focused on fulfilling the reproductive rights and reproductive health of the population. Reproductive Rights and Reproductive Health are an inseparable part of the basic principles in the opening chapter of the 1994 ICPD PoA recommendation which states that the implementation of the Compensation Recommendation is a *sovereign right of each country*, which is consistent with national legislation and its development priorities, and fully respects religious background. Some of the objectives of local government authority in fulfilling the reproductive rights of the population can be explained:

1. Reproductive Health, including family planning and sexual health

The government is working with civil society groups, NGOs and UN agencies to prioritize reproductive health issues in "general health reform efforts". In this regard, it is necessary to ensure that human rights issues and the interests of the poor are protected, better coordination between sectors, developing comprehensive services, increasing investment to improve the quality of services, ensuring that there is no coercion in participating in family planning programs, promoting the role of men in reproductive health, including family planning, and strengthening public health services, especially for family planning reproductive health and sexual health.

Due to the large number of monitoring data and indicators, WHO is asked to coordinate the preparation

and selection of reproductive health indicators by involving agencies under the auspices of the United Nations, such as UNFPA, INICEF, UNAUDS, etc., while still paying attention to and including the progress that has been achieved by the Government to date. The preparation of indicators is intended to reduce bias in using indicators of reproductive health services, because there is a tendency for each international organization to have its own indicators. Although the assignment of agencies within the UN is not a mandate of this conference, its inclusion in the recommendations is only to facilitate the evaluation of the implementation of the ICPD PoA.

2. Ensuring quality Family Planning Service volunteering

The government must continue to protect the reproductive rights of couples and individuals to be able to determine the number of children and the distance of birth as well as information and ways to exercise their own choices. UN agencies at the request of their respective countries in order to assist the government in:

- a. Mobilization of funds to meet the demand for contraception, information and counseling as well as follow-up checks, including new contraceptive services and infrequently used methods;
- b. Provision of quality, ethical, confidential, and free counseling to choose services: and
- c. Strengthen the service management system.

It should be emphasized that the recommendations are also directed to UN agencies to help strengthen the "social safety net" of reproductive health services, including contraceptive services for the poor, especially for countries affected by economic crises. These agencies are also asked to assist in technology transfer, including in the production of contraceptives.

3. Maternal Pain and Mortality Reduction

Governments together with UN agencies, donor countries, the international community and NGOs are requested:

- a. to understand and promote that maternal pain and mortality is a priority public health issue and a top priority in reproductive rights;
- b. guarantee services to overcome obstetric problems;
- c. supporting public health education in reducing maternal pain and mortality;
- d. develop "birth interventions" to improve the nutritional status of infant and adolescent girls' health and education and
- e. Implement programs to overcome environmental damage that can cause maternal pain.

In relation to reducing maternal pain and mortality, it is asked to pay attention to the adverse consequences of

"unsafe" abortion according to the definition of WHO and ICPD 1994. For this reason, for countries that do not prohibit abortion, it is necessary to train officers and provide effective and accessible services for those in need. It should be noted that Indonesia's position remains the same as it was at the time of the Cairo agreement, so this article is no longer relevant to Indonesia. *In no case should abortion be promoted as a method of family planning.*

4. Prevention and Treatment of Sexually Transmitted Diseases, including HIV/AIDS The Government, starting from the highest political position, is requested to take urgent measures to provide education and services to prevent the spread of STDs and HIV with the help of IMAIDS. In this regard, there needs to be a more effective and efficient national agenda. If necessary, this includes efforts to regulate in legislation so that there is no discrimination for people with HIV/AIDS.

As for this explanation, which is related to the results of research on population control problems in Banten Province, it can be known that the things that are the authority of the Banten Provincial government in determining population control include:

1. Expanding active family planning coverage

Active family planning coverage with a target of 80%. To be able to achieve the target, this can be done through several efforts, including through:

- a. KRR Information and Counseling Service Center Development Program.
 - b. Socialization of the Family Planning Program by Cadres at Posyandu.
 - c. Coaching was carried out for officers on the Family Planning and Family Resilience Program.
2. Putting Together a Program
- a. KRR Information and Counseling Service Center Development Program
 - b. BKB-Posyandu-PADU Operational Model Development Program
 - c. Family Planning and Family Welfare Program

The role, duties and responsibilities of the government in carrying out development and public services essentially have a very wide and heavy scope. So wide is the scope of the Government Administration task that regulations are needed that can direct the implementation of the Government to be more in accordance with the expectations and needs of the community (*citizen friendly*), in order to provide a foundation and guidelines for Agencies and/or Government Officials in carrying out the duties of government administration. Therefore, the government in carrying out its duties has various forms of juridical instruments, such as laws and regulations, decisions, policy regulations, licensing, and so on.

The authority and responsibility of the Regional Government related to the development of external resilience are contained in Law Number 52 of 2009 concerning Population Development and Family Development, namely Article 8, Article 13, Article 16 and Article 47 as well as Appendix H of the Division of Government Affairs in the Field of Women's Empowerment and Child Protection Law 23 of 2014 concerning Regional Government. However, the existence of these regulations has not been optimally implemented in the Banten Provincial Government. Therefore, to synergize OPD within the Banten Provincial Government and Regency/City Regional Governments, business entities and the community, legal instruments are needed that regulate the implementation of family resilience development policies and strategies, implementation, data collection, coordination, action plans, community and business entity participation, information systems, awards, coaching and supervision, cooperation, and funding in the form of Regional Regulations.

Regional Regulations are one of the tools in carrying out social and democratic transformation as a manifestation of local communities that are able to respond to rapid changes and challenges in the current era of autonomy and globalization as well as the creation of *good local governance* as part of sustainable development in the region.¹⁰ On that basis, the formation of regional regulations must be carried out in obedience to the principles that are seen as a normative

¹⁰ Siti Masitah, "*The Urgency of Prolegda in the Formation of Regional Regulations*", Indonesian Journal of Legislation Volume 11 Number 4, 2014, p. 427.

inspiration that must be considered when the Drafters of Laws and Regulations carry out activities to draft laws and regulations.¹¹

Regarding regional policies in the form of regional head decisions, in Law Number 30 of 2014 concerning Government Administration, there is a terminology of government administrative decisions as written decrees issued by Government Agencies and/or Officials in the administration of government. Referring to Article 87 of Law Number 30 of 2014 concerning Government Administration, it is stated that State Administrative Decisions must be interpreted as decisions of State Administrative Agencies and/or Officials in the executive, legislative, judiciary and other state administrators. As a logical consequence, regional policies are regional regulations, regional head regulations and regional head decisions, which are broader in scope than government administrative decisions.

Based on this description, the researcher analyzes that the authority of the local government of Banten Province in terms of population control refers to the principle of *lex specialis derogate legi generali*, namely special regulations will override regulations that are general in nature or special regulations that must take precedence. In this case, population control managed by local governments refers more to Law Number 23 of 2014 concerning Regional Government than Law Number 52 of 2009 concerning Population Development

¹¹ B. Hestu Cipto Handoyo, *Legal Principles of Drafting and Design of Academic Manuscripts*, Yogyakarta, Cahaya Atma Pustaka, 2014, p. 79

and Family Development, because it is related to the decentralization of affairs from the central government to local governments.

A. CONCLUSION

The goal of the Indonesian Nation is definitively stated in the fourth paragraph of the Preamble to the 1945 Constitution, namely to protect the entire Indonesian Nation, and all Indonesian bloodshed, and to advance public welfare, educate the nation's life, and participate in implementing a world order based on independence, lasting peace, and social justice. The success of the development process is about the ability to translate good planning into a good implementation program. The Population Control and Family Planning Program, as implied in Law Number 23 of 2014, is a mandatory affair that is carried out concurrently by the central, provincial and district/city governments. Based on the research that has been carried out, conclusions can be drawn that answer the identification of the problem, namely:

1. The population control program at the Banten Provincial BKKBN is reviewed based on Law Number 52 of 2009 and it is known that it is still not able to be balanced and maximal in carrying out its duties and functions. Policy authority has not been fully implemented such as the development of KB villages in each village, uneven distribution of alkon so that many alkon are outdated, population control is less than optimal from in terms of handling, as well as the development of family development groups that are felt still very lacking. This is

an implication of the change in the authority of family planning which used to be from the central government (BKKBN) to the district/city government, so the authority depends on the political wisdom of the respective regional heads. Therefore, the implementation in various government sectors has given birth to various policies that are different from one region to another. The absence of regional regulations makes the implementation of the population control program in Banten still more dominated by representatives of the Banten Provincial BKKBN.

2. The Provincial Government has mandatory and optional matters that have implications for financial relations, as stipulated in Law No. 33 of 2004 concerning the Financial Balance between the Central Government and Regional Governments. The population control program in the Banten Province DP3AKKB reviewed based on Law Number 52 of 2009 is known to be still not in accordance with expectations, where the mandate of Law No. 52 of 2014 article 13 paragraphs 1-3 has not been implemented and article 54 the establishment of the BKKBD Institution has not been implemented which results in the joint agency that is responsible for the population control program is not focused and experiences limitations in the implementation of its authority in carrying out its duties and functions. The too small support for population control programs, which is only at the level of the third echelon, makes budget support to intervene in the program relatively small.

REFERENCE:

AA Waskito, *Kamus Praktis Bahasa Indonesia*, Jakarta, Wahyu Media, 2014. <https://databoks.katadata.co.id/> diakses pada 15 Maret 2021 jam 23.05 wib.

Andi Hamzah, *Kamus Hukum*, Bogor, Ghalia Indonesia, 2015.

Anindya Wayan Paramithasari, "Implementasi Program Keluarga Berencana (Kb) Di Kelurahan Jeruk Kecamatan Lakarsantri Kota Surabaya", *Jurnal Administrasi Publik Universitas Negeri Surabaya*, 2015.

Aziz Syamsuddin, *Proses dan Teknik Penyusunan Undang-undang*, Jakarta, Sinar Grafika, 2015.

B. Hestu Cipto Handoyo, *Prinsip-Prinsip Legal Drafting dan Desain Naskah Akademik*, Yogyakarta, Cahaya Atma Pustaka, 2014.

BKKBN, "Pengendalian Kuantitas Penduduk 2010-2035". GRAND DESIGN. Sumatera Barat. 2012.

Enis Khaerunnisa, Ranthy Pancasasti, Eloh Bahiroh, dan Ana Susimulyani, "Analisis Dampak Laju Pertumbuhan Penduduk Terhadap Aspek Kependudukan Berwawasan Gender Pada Urban Area di Kota Serang", *Jurnal Ekonomi Volume X Nomor 1, Desember 2017*.

Farida Indrati Soeprpto, *Ilmu Perundang-Undangan: Jenis, Fungsi, dan Materi Muatan*, Yogyakarta, Kanisius, 2015.

Faturochman, *Dinamika Kependudukan dan Kebijakan*, Yogyakarta, Pusat Studi Kependudukan dan Kebijakan Universitas Gajah Mada, 2014.

Hamid Attamimi, *Peranan Keputusan Presiden Republik Indonesia Dalam Penyelenggaraan Pemerintah Negara (Satu Studi Analisis Keputusan Presiden yang berfungsi Pengaturan Dalam Kurun Waktu Pelita I Pellita VI)*, Disertasi Doktor Universitas Indonesia, Jakarta, 1990.

Hanif Nurcholis, *Teori dan Praktik Pemerintahan dan Otonomi Daerah*, Jakarta, Grasindo, 2017.

Hans Kelsen (a), diterjemahkan oleh Somardi, *General Theory Of law and State, Teori Umum Hukum dan Negara, Dasar-Dasar Ilmu Hukum Normatif Sebagai Ilmu Hukum Deskriptif Empirik*, Jakarta, BEE Media Indonesia, 2015.

Hans Kelsen (b), diterjemahkan oleh Raisul Mutaqien, *Teori Hukum Murni*, Bandung, Nuansa & Nusa Media, 2016.

Hans Kelsen, *General Theory of Law and State*, Translated by Anders Wedberg, Cambridge, Harvard University Printing Office, 2010.

Jorawati Simarmata, "Perspektif Kebijakan Daerah Dalam Konteks UU No. 23 Tahun 2014 Tentang Pemerintahan Daerah dan Peraturan Perundang-Undangan Terkait", *Naskah Penulisan Hukum*.

Lexy J Moleong, *Metodologi Penelitian Kualitatif*, Bandung, Remaja Rosdakarya, 2014.

Lilik Sudarniasih, Sri Maryuni, Agus Eka, "Implementasi Program Keluarga Berencana (KB) di Puskesmas Rawat Jalan Wajok Hulukabupaten Mempawah", *Jurnal Ilmu Administrasi Universitas Tanjungpura Pontianak*, 2016.

Ni'matul Huda, *Negara Hukum Demokrasi dan Judicial Review*, Yogyakarta, UII Press, 2015.

Ninik Widiyanti, *Ledakan Penduduk Menjelang Tahun 2000*, Jakarta, Bhina Aksara, 2012.

Nurmayani, *Hukum Administrasi Daerah*, Bandar Lampung, Universitas Lampung, 2011.

R. Soeroso, *Pengantar Ilmu Hukum*, Jakarta, Sinar Grafika, 2017.

Rianto Adi, *Metodologi Penelitian Sosial dan Hukum*, Jakarta, Granit, 2014.

Ridwan HR, *Hukum Administrasi Negara*, Jakarta, Rajagrafindo

Persada, 2017.

Salim HS dan Erlies Septiana Nurbani, *Penerapan Teori Hukum Pada Penelitian Disertasi dan Tesis*, Buku Kedua, Jakarta, Rajawali Pres, 2015.

Siti Masitah, "Urgensi Prolegda dalam Pembentukan Peraturan Daerah", *Jurnal Legislasi Indonesia Volume 11 Nomor 4*, 2014.

Soekidjo Notoatmojo, *Etika dan Hukum Kesehatan*, Jakarta, Rineka Cipta, 2015.

Soerjano Soekanto, *Pengantar Penelitian Hukum*, Jakarta, UI Press, 2016.

Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, Jakarta, Rajawali, 2016.

Sutrisno Hadi, *Metodologi Riset*, Yogyakarta, Andi Offset, 2016.

Undang-Undang Dasar Negara Republik Indonesia Tahun 1945

Undang-Undang Nomor 15 Tahun 2019 tentang Perubahan atas Undang- Undang Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-Undangan

Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintah Daerah

Undang-Undang Nomor 30 Tahun 2014 tentang Administrasi

Pemerintah

Undang-Undang Nomor 52 Tahun 2009 tentang
Perkembangan Kependudukan dan pertumbuhan
Keluarga

Yuliandri, *Asas-Asas Pembentukan Peraturan Perundang-
Undangan Yang Baik Gagasan Pembentukan Undang-
Undang Berkelanjutan*, Jakarta, Rajagrafindo Persada,
2015.

Yuslim, "Kewenangan Gubernur Sebagai Wakil Pemerintah
Dalam Penyelenggaraan Pemerintahan
Kabupaten/Kota Menurut Undang- Undang Dasar
1945", *Disertasi*, Universitas Andalas, Padang, 2014.

Zainuddin Ali, *Metode Penelitian Hukum*, Jakarta, Sinar Grafika,
2015.