

ABSTRACT

This research aims to study the relationship between act No. 10 of 1992 on Demographic Development and Development of Welfare families and Act No. 23 of 1992 on Health in an attempt to provide protection for Family Planning (FP) acceptors against contraception services on the FP program. Hence, in general this study discusses Law and Demographic Dynamic.

Meanwhile, the specific objective is to find out the legal subjects who are given the authority by the law to perform contraception services on the FP program, than to describe the rights enjoyed by acceptors which are protected by the law from contraception services. Additionally, it specifically aims to study and find out the possible legal proceedings which can be taken by FP acceptors against the services in case of malpractice or negligence causing injury on the part of acceptors.

The research takes normative approach to the problem. Therefore, the types of data used are materials obtained from bibliographic study and inventory of statutory laws regarding Demographic and Family Planning.

The legal materials are processed and analyzed by means of critical identification, then are selected and systematized based on their relevance to the matter at hand using deduction and induction eventually leading to the answer.

The process results in conclusion that the legal subjects given authority by the law over the contraception services on the FP program are the competent Health Personal, i.e. physicians and midwives based on the joint directive of Health Minister and head of BKKBN No. 346/Menkes.Ins/VI.1983 and No. 296/HK-001/E3/1983 concerning the Intensificat of Demographic and FP Program administration, as well as within Health Minister Regulation No. 363/Menkes/Per/IX/1980 on Midwife Responsibilities updated in Health Minister Regulation No. 572/Menkes /Per/VI/1996 on Registration and Practice of Midwife.

As to rights acceptors enjoy over the contraception services, they include the right to choose the type of contraceptive, the right for family health wich includes the right for health care, performed by competent health personnel, treatment by standards of health profession and the righ for information. In addition, FP acceptors also have the right for damages in the even of malpractice or negligence causing injury.

FP Acceptors right for damages on the contraception services has bees established as ministerial policy in the form of Decision of state Minister of Demography/Head of BKKB No. 379/HK.104/E2/1995 on guide lines of administration of National Family Planning, which states that damages is aworded by BKKB as the institution in charge of FP program and after verification has been made of the existence of malpractice or negligence