

LAW OF THE REPUBLIC OF INDONESIA NUMBER 52 YEAR 2009
CONCERNING POPULATION DEVELOPMENT AND THE
DEVELOPMENT OF FAMILY

WITH THE GRACE OF THE ONE ALMIGHTY GOD
PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering

- A. whereas the essence of national development as implementation of Pancasila and the 1945 Constitution of the Republic of Indonesia is development of the ideal Indonesian person and the entire Indonesian community;
- B. whereas national development encompasses all dimensions and aspects of life including population and family development to realize a just and prosperous society implemented upon the foundation of Pancasila and the 1945 Constitution of the Republic of Indonesia;
- C. whereas population as the initial capital and dominant factor of development should be the central point in sustainable development since a large population of poor quality and rapid growth will hinder the achievement of an ideal condition between quantity and quality of population and environmental carrying capacity and accommodating potential;
- D. whereas successful realization of balanced population growth and developing quality of population and family will improve all aspects and dimensions of development and community life as to be more progressive, self-sufficient, and able to live in harmony with other nations, and will accelerate realization of sustainable development;
- E. whereas in realizing balanced population growth and quality family, efforts are made to control the birth rate and reduce mortality rate, in directing population mobility, developing population quality in all its dimensions, enhancing resiliency and prosperity of the family, preparing and regulating marriage and pregnancy for strong human resources for development and national resiliency, which are able to compete with other nations, and enjoy the yields of development fairly and evenly.
- F. Whereas Law No. 10/1992 concerning Population and Prosperous Family Development does not comprehensively regulate population and family development according to the present condition at national and international levels therefore the Law needs to be revoked and replaced by a Law on Population and Family Development;

G. Whereas based on the considerations of letter a, letter b, letter c, letter d, letter e, and letter f, it is necessary to formulate a Law on Population progress and Family development;

In view of:

Article 20, Article 26 paragraph (2), Article 26 paragraph (3), Article 28B paragraph (1), Article 28B paragraph (2), Article 28C paragraph (1), Article 28J paragraph (1) of the 1945 Constitution of the Republic of Indonesia;

Upon Mutual Agreement

THE HOUSE OF PEOPLES REPRESENTATIVES OF THE REPUBLIC OF
INDONESIA

And

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

DECIDE:

To Establish:

THE LAW OF POPULATION AND FAMILY DEVELOPMENT

CHAPTER-1

Article 1

Definitions of the terms mentioned in this Law are as follows:

1. Population refers to Indonesian nationals and foreign nationals domiciled in Indonesia
2. Population refers to all matters related to number, structure, growth, dispersion, mobility, distribution, quality, and condition of prosperity in regard to politics, economy, socio-culture, religion, and local population environment.
3. Population and family development are planned efforts to realize balanced population growth and develop population quality in all its dimensions
4. Population development is a condition related to change in the population condition able to affect and be affected by successful sustainable development.
5. Quality of population refers to condition of population in physical and non-physical terms encompassing degree of health, education, employment, productivity, social level, resiliency, self-sufficiency, intelligence, as fundamental measures of developing capacity and enjoying life as devout, cultured human beings with national character and living decent lives.
6. The family is the smallest unit of society consisting of husband wife, or husband, wife and child, or father and child, or mother and child
7. Family development refers to efforts to realize quality family lives in a healthy environment
8. Family planning refers to efforts to regulate childbirth, the ideal interval and age for childbirth, regulate pregnancy by promoting, protecting, and assisting in accordance with reproductive rights in order to realize good quality families.
9. Pregnancy regulations are efforts to help the husband wife give birth at ideal age, possess the ideal number of children, and regulate ideal interval of childbirth using contraceptive methods, tools, and medicines.
10. Quality family refers to family formed on the basis of valid marriage, and characterized by well-being, health, progress, self-sufficiency, having ideal number of children, with future outlook, responsible, harmonious, and possessing belief in the One Almighty God.
11. Family resiliency and well-being are conditions of families with strength and tenacity and physical material capacity to live independently and develop self and family to live harmoniously in enhancing material and spiritual well-being and happiness.

12. Sustainable development refers to planned development in all fields to create the ideal ratio between population development and environmental carrying capacity and accommodating potential and to fulfill the needs of the present generation without reducing future generation capacity and needs, so as to support national life.
13. Vulnerable population refers to portion of the population that in various dimensions does not have or lacks opportunity to develop its potential as a result of physical and/or non-physical condition.
14. The central government, henceforth known as the Government, refers to the President of the Republic of Indonesia, possessing government authority, of the State of the Republic of Indonesia as stipulated in the 1945 Constitution of the Republic of Indonesia.
15. Regional government refers to governor, regent, or mayor and regional instruments as elements of conducting regional government.

CHAPTER II

BASIS, PRINCIPLE AND PURPOSE

Part One

Basis

Article 2

Population and family development are based on religious norms, humanitarianism, Proportionality, and benefit.

Part Two

Principle

Article 3

Population and family development adhere to the principle of population development consisting of:

- A. population as the central point of development activities;
- B. Integration of population policies into socio-cultural, economic, and environmental development;
- C. participation of all sides and mutual cooperation;
- D. protection and empowerment of the family as the smallest unit in society;
- E. equal rights and duties between newcomers and the local population;

- F. protection toward local community culture and identity;
- G. gender justice and equality.

Part Three
Purpose

Article 4

- (1) The purpose of population development is to realize harmony, accord, and balance between quantity, quality, and dispersion of population and the environment.
- (2) Family development is aimed at enhancing family quality so as to bring a sense of safety, serenity, and better hopes for the future in realizing physical well-being and mental happiness.

CHAPTER III
RIGHTS AND DUTIES OF THE POPULATION

Part One
Population Rights

Article 5

In conducting population development and family development, every population member possesses the rights of:

- A. establishing families and continuing the lineage through legal marriage;
- B. fulfilling basic needs in order to grow and develop and obtain protection for personal development to acquire education, self-improvement, and enhance quality of life;
- C. obtaining information, protection, and assistance to realize reproductive rights according to social ethics and religious norms;
- D. communicating and acquiring information on population and family, required to develop personality and social environment;
- E. seeking, obtaining, possessing, storing, processing, and conveying information on population development and family development using the available facilities;
- F. developing and obtaining the benefits of science and technology, art and culture on population and family development;
- G. freedom to move, relocate and dwell in the territory of the Republic of Indonesia;

- H. obtaining protection to maintain intactness, resiliency, and well-being of the family;
- I. establishing the ideal family in responsible manner as regards the number of children, birth interval, and age of childbirth;
- J. raising, maintaining, caring for, educating, directing and guiding the life of the child including family life until adulthood;
- K. child adoption according to the provisions of legal regulations;
- L. realizing reproductive rights and all matters related to marriage life;
- M. living in safe and tranquil society order, which fully respects, protects, and implements human rights;
- N. maintaining and developing customary values that are alive in the community;
- O. struggling for self development both as individual and group to develop the nation and state;
- P. acquiring and maintaining living space;
- Q. obtaining citizenship identity according to the provisions of legal regulations;
- R. possessing, acquiring, replacing, or maintaining citizenship status according to the provisions of legislative regulations;
- S. being taken account of in formulation, implementation, evaluation of population development and family development; and
- T. obtaining food requirements, dwelling place, health care, education, skills and special assistance toward state funds for the vulnerable population.

Part Two Duties of the Population

Article 6

Every member of the population is required to;

- A. respect the rights of others in the society, nation and state life;
- B. participate in population development;
- C. help to realize the ideal ratio between population development and environmental, social, and economic quality;

- D. develop personal quality through enhancement of health, education, resiliency, and well-being of the family; and
- E. provide population and family data and information requested by the Government and local governments for population development to the extent that these do not violate population rights.

CHAPTER IV AUTHORITY AND RESPONSIBILITY OF THE GOVERNMENT

Part One Government Authority

Article 7

- (1) The Government establishes medium-term and long-term policies and programs related to management of population and family development.
- (2) Medium-term and long-term policies and programs as mentioned in clause (1) are integrated in the medium-term and long-term national development.
- (3) further provisions on medium term and long term policies and programs as mentioned in clause (1) will be regulated with a Government Regulation.

Article 8

- (1) The regional government will establish medium-term and long-term policies and programs related to population development and family development according to the respective local needs.
- (2) Medium-term and long-term policies and programs as mention in clause (1) should refer to national policy.
- (3) Policies and programs mentioned in clause (1) are established by the regional government together with the Regional House of People's Representatives.

Article 9

In order to implement medium-term and long-term policies and programs as mentioned in Article 7 and Article 8 the following will be implemented:

- A. collecting, processing, analyzing, evaluation, research, development, and dissemination of information on population development and family development

- B. Sustainable estimates and determination of population development and family development targets; and
- C. Control of development impact on population development and family development and the environment.

Article 10

- (1) Implementing medium-term and long-term policies and programs through implementation of an annual work plan.
- (2) The annual work plan as mentioned in clause (1) encompasses the following:
 - A. mobilizing participation of individuals, families, the community, non-governmental organizations, community organizations, private sector, and providers of development funds of non-binding nature in population development and family development;
 - B. advocacy and communication, information, and education on population development and family development for all planning components an development implementers and family, community, non-government organizations, professional organizations, private organizations, and providers of development funds of non-binding nature; and
 - C. provision of free services related to population development and family development for poor families.

Part Two Government Responsibility

Article 11

The government is the responsible party in population development and family development.

Article 12

- (1) The government is responsible for:
 - A. establishing national policies;
 - B. establishing guidelines encompassing norms, standards, procedure, and criteria;
 - C. providing guidance, direction, supervision, and facilitation; and
 - D. socialization, advocacy, and coordination; implementation of population development and family development.

(2) Further provisions on Government responsibility as mentioned in clause (1) will be regulated through a Government development.

Article 13

(1) The provincial government is responsible for:

- A. establishing regional policies;
- B. facilitating implementation of guidelines encompassing norms, standards, procedures, and criteria;
- C. providing guidance, direction, and supervision; and
- D. socialization, advocacy, and coordination; implementation of population development and family development according to the needs, aspirations, and capacity of the local community.

(2) Further provisions concerning provincial government responsibility as mentioned in clause (1) will be arranged through a Regional Regulation.

Article 14

(1) The regency/city government is responsible for:

- A. establishing population development and family development implementation in regency/city; and
- B. socialization, advocacy, and coordination of population development and family development according to local community needs, aspirations, and capacity

(2) Further provisions on the responsibilities of the regency/city government mentioned in clause (1) will be arranged through Regional Regulations.

CHAPTER V FUNDING

Article 15

(1) Funding of population development and family development at national scale will be burdened to the State Budget.

(2) Budget allocation will be provided proportionally as required in population development and family development.

Article 16

- (1) Funding of population development and family development in the regions will be borne by the Regional Budget.
- (2) Budget allocation will be provided proportionally as required in population development and family development
- (3) Budget allocation as mentioned in clause (2) will be mutually determined by the regional government and the Regional House of People's Representatives.

CHAPTER VI POPULATION DEVELOPMENT

Part One General

Article 17

Population development is conducted to realize harmony, accord, and balance between quantity, quality, and population dispersion and natural carrying capacity and environmental capacity in order to support implementation of sustainable national development.

Part Two Population Quantity Control Paragraph 1 General

Article 18

Population quantity control is conducted to realize harmony, accord, and balance between total population and good environment in the form of natural carrying capacity as well as environmental capacity and the condition of socio economic and cultural development.

Article 19

- (1) Population quantity control related to determination of estimate:
 - A. Total population, structure, and composition;
 - B. population growth; and
 - C. population distribution.

- (2) Population quantity control as mentioned in clause (1) is conducted according to natural carrying capacity and environmental capacity through:
 - A. birth control
 - B. reducing mortality rate; and
 - C. directing population mobility.
- (3) Population quantity control as mentioned in clause (2) is conducted at national and regional levels in sustainable manner.
- (4) Procedure of establishing quantity control as mentioned in clause (1), clause (2), and clause (3) are determined through Government Regulation.

Article 20

In order to realize balanced population growth and quality families, the Government will establish the family planning policy through the family planning program.

Article 21

- (1) The family planning policy as mentioned in Article 20 will be implemented to assist candidate or husband wife couples in making decisions and realizing reproductive rights responsibly on the following:
 - A. ideal age of marriage;
 - B. ideal age for childbirth;
 - C. ideal interval of childbirth; and
 - D. reproductive health counseling.
- (2) The family planning policy as mentioned in clause (1) is aimed at:
 - A. regulating desired pregnancies;
 - B. maintaining health and mortality rate of mother, baby, and child;
 - C. increasing access to and quality of information, education, counseling, and service in family planning and reproductive health;
 - D. raising participation and involvement of men in family planning practices; and
 - E. promoting breastfeeding as an effort of lowering the frequency of pregnancy.
- (3) The family planning policy as mentioned in clause (1) contains the understanding that for any reason whatsoever promoting abortion as a method of regulating pregnancy is prohibited.

Article 22

- (1) The family planning policy as mentioned in Article 1 will be made through efforts of:
 - A. increasing community integration and participation;
 - B. family guidance; and
 - C. pregnancy regulation through observance of religion, condition of socio-economic and cultural progress, and values that are alive in the community

- (2) Efforts mentioned in clause (1) will be accompanied by communication, information, and education.

- (3) Family planning policy as mentioned in clause (1) will be regulated through Government Regulation.

Article 23

- (1) The Government and regional government are required to improve access to and quality of information, education, counseling, and contraceptive services by
 - A. providing contraceptive method selected by the husband wife couple in consideration of age, party, number of children, health condition, and religious norms;
 - B. balancing the needs of men and women;
 - C. providing complete, accurate and accessible information on the side effects, complications, and failures of contraception, including its transmission, lower immunity and sexually-transmitted disease;
 - D. increasing safety, accessibility, confidentiality, and availability of high quality tools, medicines, and contraceptive methods;
 - E. enhancing human resource quality of family planning officers;
 - F. providing repeat services and handling side effects and complications due to use of contraceptive methods;
 - G. providing essential reproductive health care at primary level and comprehensively at referral level;
 - H. promoting the importance of mother's milk and breastfeeding exclusively to prevent pregnancies six (6) months post-childbirth, improve degree of health for mother, baby, and child; and
 - I. by providing information on preventing inability of couples to have children after 12 (twelve) months without using pregnancy regulating tools for the husband-wife/ couple.

- (2) Further provisions on access to, quality, information, education, counseling, and service of contraceptives as mentioned in clause (1) will be regulated through a regulation of the minister in charge of the health field.

Article 24

- (1) Contraceptive services will be conducted in effective and efficient manner and accepted and implemented in responsible manner by the husband wife pair according to choice and considering the health condition of husband or wife.
- (2) Contraceptive services in coercive manner to anyone and in any form whatsoever will violate human rights and its actors will be subject to sanctions according to the provisions of law.
- (3) Contraceptive services will be conducted in responsible manner from the aspects of religion, cultural norms, ethics, and health.

Article 25

- (1) The husband and/or wife have the same position, right and duties in implementing family planning.
- (2) In determining family planning methods as mentioned in clause (1), the Government is required to provide contraceptive services assistance for husband and wife.

Article 26

- (1) Use of contraceptive tools, medicine and methods causing risk to health will be upon the approval of husband and wife after receiving information from skilled and authorized health personnel.
- (2) The procedure of using contraceptive tools, medicines, and methods as mentioned in clause (1) will be undertaken according to professional health standards in accordance with provisions of law.
- (3) Further regulations on the procedure of using contraceptive tools, medicines, and methods as mentioned in clause (1) and clause (2) will be issued by the minister responsible in the field of health.

Article 27

Every person is prohibited from falsifying and misusing contraceptive tools, medicines, and methods outside of the established objectives and procedures.

Article 28

Presenting of information and/or demonstration of contraceptive tools, medicines, and methods may only be done by health personnel and other trained personnel and implemented in the appropriate place and using appropriate methods.

Article 29

- (1) The Government and regional government will regulate procurement and distribution of contraceptive tools and medicines based on balance between need, supply, and equality of services according to the provisions of law.
- (2) The Government and regional government are required to provide contraceptive tools and medicines for the poor.
- (3) Research and development of tools, medicines, and methods will be undertaken by the Government and regional government and/or community based on the provisions of law.

Part Three Reducing Mortality Rate

Article 30

- (1) The government will establish a policy on mortality rate reduction to realize balance and quality of the growing population in all its dimensions.
- (2) The policy on mortality rate reduction as mentioned in clause (1) will take the form of prioritizing:
 - A. reducing maternal mortality rate during pregnancy;
 - B. childbirth;
 - C. post-natal care; and
 - D. baby and child.
- (3) Mortality rate reduction as mentioned in clause (2) will be conducted by the Government, regional government, and community through promotional, preventive, curative, and rehabilitative efforts according to the provisions of law and religious norms.

Article 31

The policy on mortality rate reduction as mentioned in Article 30 will be implemented in observance of:

- A. reproductive rights equality between husband and wife;
- B. balance in access to and quality of information, education, counseling, and health care, particularly reproductive health care for mother, baby, and child;
- C. prevention and reduction of risk of morbidity and mortality; and
- D. active participation of family and community.

Article 32

- (1) The Government and regional government will conduct data collecting and analysis of mortality rate as part of population development and family development.
- (2) The Government shall formulate guidelines and monitoring report as mentioned in clause (1)
- (3) Provisions on procedure of data collecting and population projection on mortality ate as mentioned in clause (1) will be regulated through a Government Regulation.

Part Four Population Mobility

Article 33

- (1) The Government will establish a policy of directing population mobility and/or population dispersion to achieve optimal population distribution, based on balance between total population and natural carrying capacity and environmental capacity.
- (2) The policy on directing population mobility and/or population dispersion as mentioned in clause (1) encompassing internal mobility and international mobility will be implemented at national and regional levels and established in sustainable manner.
- (3) Directing internal population mobility as mentioned in clause (2) encompasses:
 - A. directing population mobility of permanent and non-permanent nature;
 - B. directing population mobility and distribution to buffer areas and new economic growth centers in the framework of equal development between provinces;
 - C. Organizing population distribution through inter-regional cooperation;

- D. Directing population mobility from rural to urban areas (urbanization; and
- E. Population dispersion to border regions between countries and undeveloped Regions and outermost small islands.

- (4) Directing international population mobility as mentioned in clause (2) will be performed through international cooperation with countries sending and receiving international migrants to and from Indonesia according to international treaty approved and agree by the Government.
- (5) Further provisions on directing population mobility will be regulated in a Government Regulation.

Article 34

Population mobility policy as mentioned in Article 33 will be implemented with respect for people's right to move freely, relocate, and live in the territory of the State of the Republic of Indonesia according to the regulations of law.

Article 35

- (1) The regional governments will establish population mobility policy.
- (2) Population mobility policy as mentioned in clause (1) will be established to the extent of not being contrary to national policy.

Article 36

- (1) Planning of population mobility direction and/or population dispersion is conducted using data and information and population distribution in consideration of the Territorial Spatial Plan.
- (2) Development of an information system on work opportunities will enable population mobility to destination areas according to capacity.

Article 37

- (1) The Government and regional government will conduct data collecting, analysis, and projection of mobility figures and population distribution as part of population management and family development.
- (2) The Government shall formulate guidelines and reporting of activity monitoring as mentioned in clause (1),
- (3) Provisions on procedure of data collecting, analysis, population mobility and distribution as part of population development and family development as mentioned in clause (1) will be regulated through a Government Regulation.

Part Five
Population Quality Development
Paragraph 1
General

Article 38

- (1) Conditions of harmony, accord, balanced ratio between population development and environment encompassing both natural carrying capacity as well as environmental capacity will be realized through population quality development, both physical and non-physical
- (2) Population quality development will be implemented to realize physically and mentally healthy, intelligent, independent, devout, dedicated human beings of noble character, and high work ethics.
- (3) The qualities mentioned in clause (1) will be developed through improvement of:
 - A. health;
 - B. education;
 - C. religious values;
 - D. economy; and
 - E. socio-cultural values.
- (4) Development of population quality as mentioned in clause (2) will be conducted by the Government and regional government together with the community through guidance and fulfillment of population services.
- (5) Population guidance and services mentioned in clause (4) will be undertaken through communication, information, and education, and provision of infrastructure and services.
- (6) Further provisions on population quality development will be regulated with a Government Regulation.

Paragraph 2
Vulnerable Population

Article 39

- (1) In order to develop optimal potential of the entire population equally, the Government will provide facilitation and protection for the vulnerable population.

- (2) The Government will establish a policy on development of the vulnerable population potential as a result of:
- A. structural change;
 - B. population composition;
 - C. physical or non-physical condition of the vulnerable population;
 - D. geographic conditions causing the vulnerable population to encounter difficulties in developing; and
 - E. negative impacts arising as a result of the development process and natural Disasters.

Article 40

The vulnerable population potential will be developed through treatment, health care, education, and training at government cost.

Article 41

- (1) The Government will ensure the basic needs of the poor.
- (2) Further provisions on criteria of the poor and procedures of protection will be regulated with Government Regulation.

Article 42

Development of the population concept refers to efforts of enhancing understanding of sustainable population development to realize quality population.

Article 43

- (1) Development of the population concept as mentioned in Article 4 may be done by the Government and community whether solely or mutually.
- (2) The population concept development will be implemented by providing information, education, facilities and infrastructure related to population development.

Part Six Population Planning

Article 44

Population planning refers to the process of preparing a series of decisions on change in population condition desired for the future encompassing the aspects of quantity, quality, and mobility of population.

Article 45

Population planning will be conducted by setting targets of population quantity, quality, and mobility and formulating steps to manage future population development of a region.

Article 46

- (1) Population planning will be performed at national, provincial, and regency/city scope in a medium-term and/or long-term period.
- (2) Population planning as mentioned in clause (1) will be directed at producing a strategic plan for management of population quantity, quality, and mobility.
- (3) Strategic plan as mentioned in clause (2) shall be integrated and implemented into the regional and sector development planning, implementation and evaluation systems.
- (4) The maximum period of formulating a population plan as mentioned in clause (1) will coincide with the medium and/or long term development planning period.
- (5) Further provisions on population planning guidelines as mentioned in clause (1) will be regulated in a Presidential Regulation.

CHAPTER VII FAMILY DEVELOPMENT

Article 47

- (1) The Government and regional government will establish a family development policy through guidance in matters of family resiliency and welfare.
- (2) The policy as mentioned in clause (1) is intended to support the family in implementing optimal family function.

Article 48

- (1) Family development policy through family resiliency and welfare guidance as mentioned in Article 47 will be implemented through:
 - A. enhancement of child quality by providing access to information, education, Counseling and services on child care, raising, and development;
 - B. enhancing quality of adolescents by providing access to information, education, Counseling, and services related to family life;
 - C. enhancing quality of life of the elderly in order to remain productive and useful For the family and community by providing opportunity to play a role in family Life;
 - D. empowering vulnerable families by providing protection and assistance in self-

- Development so as to be equal with other families;
- E. enhancing quality of family environment;
- F. improving access and opportunity to receive information and economic resources Through family micro businesses;
- G. developing innovative methods of providing more effective assistance for poor Families; and
- H. undertaking efforts of eradicating poverty, mainly for women in position of family Heads.

- (2) Further provisions on implementation of policy as mentioned in clause (1) will be regulated through a regulation of the relevant minister with the respective authority.

CHAPTER VIII POPULATION DATA AND INFORMATION

Article 49

- (1) The Government and regional government shall collect, process, and present data and information on population and family.
- (2) The efforts mentioned in clause (1) will be undertaken through family census, survey, and data collecting.
- (3) Population and family data and information shall be used by the Government and regional government as the basis of establishing policies, conducting government and development.

Article 50

- (1) The Government and regional government will conduct and develop an information system on population and family in sustainable manner and shall support assembling of data and information required.
- (2) The regional government shall report data and information on population and family to the Government.
- (3) The Government shall disseminate data and information assembled at national level to be sorted and analyzed for the purpose of comparing interregional population management in the form of population and development balance sheet.
- (4) Further provisions on conducting the information system on population and family as mentioned in clause (1) will be regulated through a Government Regulation.

Article 51

Enhancing gender justice and equality, collecting, analysis and dissemination of information on population and family should take into consideration the matter of gender.

Article 52

The Government and regional government will conduct data collecting, analysis, and projection of birth figures as part of population management and family development.

CHAPTER IX INSTITUTIONS

Part One Name and Position

Article 53

- (1) In the framework of population control and family development, through this Law, the National Population and Family Planning Body is established, henceforth abbreviated as the BKKBN.
- (2) The BKKBN as mentioned in clause (1) is a non-ministry government institution positioned under the President and responsible to the President.

Article 54

- (1) In the framework of population control and conducting family planning in the regions, the regional government will form the Regional Population and Family Planning Body, to be abbreviated the BKKBD at provincial and regency/city levels.
- (2) In performing its duties and functions the BKKBD as mentioned in clause (1) will have a functional relationship with the BKKBN.

Article 55

- (1) The BKKBN will be based in the capital of the State of the Republic of Indonesia.
- (2) The BKKBD will be based in the capital of the Province and Regency/City.

Part Two Duties and Functions

Article 56

- (1) The BKKBN will have the duty of conducting population control and family planning.
- (2) In conducting its duties as mentioned in clause (1), the BKKBN will perform the functions of:
 - A. formulating national policy;
 - B. establishing norms, standards, procedures, and criteria;
 - C. implementing advocacy and coordination;
 - D. conducting communication, information, and education;
 - E. conducting monitoring and evaluation; and
 - F. guidance, direction, and facilitation; in the field of population control and Conducting family planning.
- (3) Further provisions on the duties, functions, and composition of the BKKBN organization will be regulated with a Presidential Regulation.

Article 57

- (1) The BKKBD will perform the duty and function of implementing population control and conducting family planning at provincial and regency/city level.
- (2) The BKKBD authority will be implemented according to the provisions of law.
- (3) Further provisions on duty, function and composition of the BKKBD organization will be arranged through a Regional Regulation.

CHAPTER X COMMUNITY PARTICIPATION

Article 58

- (1) Every resident has opportunity to participate in population management and family development.

- (2) Participation as mentioned in clause (1) will involve individuals, non-government organizations, community organizations, professional organizations, and the private sector.

CHAPTER XI TRANSITIONAL PROVISIONS

Article 59

At the time of this Law taking effect, all Provisions of Law that are implementing regulations of the Law No. 10/1992 on Population Development and Prosperous Family Development (State Gazette of the Republic of Indonesia of 1992 No. 35, Addition to the State Gazette of the Republic of Indonesia No. 3475) are declared to be in effect to the extent that these do not violate the provisions of this Law.

CHAPTER XII CLOSING PROVISIONS

Article 60

At the time of this Law starting to take effect, Law No. 10 of 1992 on Population Development and Prosperous Family Development (State Gazette of the Republic of Indonesia of 1992 No. 35, Supplement the State Gazette of the Republic of Indonesia No. 3475) is revoked and declared not in effect.

Article 61

- (1) The National Family Planning Coordinating Body, established on the basis of regulations of law prior to enactment of this Law, is declared as the BKKBN based on this Law.
- (2) The BKKBN as mentioned in clause (1) in a period of six (6) months at the latest shall adapt to the provisions of this law.

Article 62

The regulations of law as implementation of this Law will be determined at the latest in one (1) year from the date of enactment of this Law.

Article 63

This Law will take effect on the date of its enactment.

In order that all may know if it, instruct the enactment of this Law with its placement in the State Gazette of the Republic of Indonesia.

Validated in Jakarta

On 29 October 2009

PRESIDENT OF THE REPUBLIC OF INDONESIA, signed

DR. H . SUSILO BAMBANG YUDHOYONO

Enacted in Jakarta

On 29 October 2009

MINISTER OF LAW AND HUMAN RIGHTS

OF THE REPUBLIC OF INDONESIA,

Signed

PATRIALIS AKBAR

STATE GAZETTE OF THE REPUBLIC OF INDONESIA 2009 NO.161

Copy according to original

RI STATE SECRETARIAT

Head of the Politics and People's Welfare Bureau,

Wisnu Setiawan

**EXPLANATION OF LAW OF THE REPUBLIC OF INDONESIA NUMBER 52
OF 2009
REGARDING POPULATION DEVELOPMENT AND FAMILY DEVELOPMENT**

I. GENERAL

The essence of national development as implementation of Pancasila and the 1945 Constitution of the Republic of Indonesia is development of the complete Indonesian individual and development of the entire Indonesian society encompassing all dimensions and aspects of life including development of population and family to realize a just and prosperous society.

As implementation of Human Rights, the inherent and inseparable right of the people to enhance human dignity, welfare, happiness, and intelligence and justice of the present population and future generations, population management in all its dimensions should become a central point of sustainable development for each resident and future generations to be able to live healthy, prosperous, productive lives in harmony with the environment and become quality human resources for development. Development should be undertaken by the people and for the people, and hence development planning should be based on the population condition and should be enjoyed by the entire population not by a mere portion of certain group.

Population management and family development should receive special attention in the framework of sustainable national development. Population management and family development are integral parts of national culture, socio-economic development and are inseparable from development of other sectors in the framework of Indonesia human and community development as implementation of Pancasila, namely to enhance the quality of life for the entire population.

Population management and family development basically aims to ensure continuity of life for all human beings not merely at local or national dimension, but also internationally. Population management and family development are no longer understood in a narrow sense as a mere effort to affect the pattern and direction of demography, but with far more extensive target, namely to achieve community welfare in physical or non-physical sense including spiritually.

The impact of change in population dynamics will be felt over a long period of time, so that frequently its significance is overlooked. The wide extent of population affairs signifies that population development should be performed inter-sector and inter-fird. Therefore, accurate forms of coordination and understanding of the concept of population and family management are required.

In the context of population and family development, special attention is required in the framework of sustainable national development. Population placement as center point of development is not merely a national program but also a commitment of all member nations of the United Nations. Implementation of population affairs and family development requires a strong institution.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently Clear

Article 2

What is meant by:

- A. The basis of religious norms means that population management and family Development should be founded on religious values based on Belief in the One Almighty God.
- B. The principle of humanitarianism signifies that population and family development Should be based on humanitarianism founded on belief in the One Almighty God Without differentiating religious and national groups.
- C. Principle of balance means that population and family development should be Implemented between individual and community interest, physically and mentally, As well as materially and spiritually.
- D. Principle of benefit means that population and family development should provide The greatest benefit to humanity and the healthy life of each citizen.

Article 3

Sufficiently clear.

Article 4

Sufficiently clear.

Article 5

Letter a

Sufficiently clear.

Letter b

Basic needs refer to the need for clothing, food, place to live, education, health, and livelihood and sense of security.

Letter c

Sufficiently clear.

Letter d

Sufficiently clear.

Letter e

Sufficiently clear.

Letter f

Sufficiently clear.

Letter g

Sufficiently clear.

Letter h

Sufficiently clear.

Letter i

Sufficiently clear.

Letter j

Sufficiently clear.

Letter k

Sufficiently clear.

Letter l

Sufficiently clear.

Letter m

Sufficiently clear.

Letter n

Sufficiently clear.

Letter o

Sufficiently clear.

Letter p

Sufficiently clear.

Letter q

Sufficiently clear.

Letter r

Sufficiently clear.

Letter s

Sufficiently clear.

Letter t

Sufficiently clear.

Article 6

Sufficiently clear.

Article 7

Sufficiently clear.

Article 8

Sufficiently clear.

Article 9

Sufficiently clear.

Article 10

Sufficiently clear.

Article 11

Sufficiently clear.

Article 12

Sufficiently clear.

Article 13

Sufficiently clear.

Article 14

Sufficiently clear.

Article 15

Sufficiently clear.

Article 16

Sufficiently clear.

Article 17

Sufficiently clear.

Article 18

“Natural bearing capacity” refers to capacity of the natural environment and all its elements and sources to support the lives of humans and other creatures in sustainable manner.

“Environmental capacity” refers to capacity of the man-made environment to fulfill the lives of the population.

Article 19

Paragraph (1)

Sufficiently clear.

Paragraph (2)

Letter a

“Birth Control” refers to efforts of preventing population increase from exceeding that available production capacity so that balance will be maintained between fulfillment of needs and environmental capacity.

Letter b

Sufficiently clear.

Letter c

“Population mobility: refers to spatial population movement exceeding the boundaries of government administrative territory.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

Sufficiently clear.

Article 20

Sufficiently clear.

Article 21

Paragraph (1)

Letter a

Sufficiently clear.

Letter b

Sufficiently clear.

Letter c

Sufficiently clear.

Letter d

Sufficiently clear.

Letter e

Reproductive health counseling is performed by health personnel and other skilled personnel.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Article 22

Sufficiently clear.

Article 23

Paragraph (1)

Letter a

Sufficiently clear.

Letter b

Sufficiently clear.

Letter c

Sufficiently clear.

Letter d

Sufficiently clear.

Letter e

Family planning officers encompass health officers and other trained personnel.

Letter f

Sufficiently clear.

Letter g

Sufficiently clear.

Letter h

Sufficiently clear.

Letter i

Sufficiently clear.

Paragraph (2)

Sufficiently clear.

Article 24

Sufficiently clear.

Article 25

Sufficiently clear.

Article 26

Sufficiently clear.

Article 27

Sufficiently clear.

Article 28

Sufficiently clear.

Article 29

Sufficiently clear.

Article 30

Paragraph (1)

Entire dimensions include the following:

- A. enhance economic potential of the family;
- B. guidance in fulfilling balanced nutrition;
- C. community awareness of environmental health and healthy lifestyle;
- D. improve community access to health care; and
- E. community empowerment in improving mother and child health.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Article 31

Sufficiently clear.

Article 32

Sufficiently clear.

Article 33

Paragraph (1)

“Natural bearing capacity” refers to capacity of the natural environment and all its elements and sources to maintain human life and the lives of other creatures in sustainable manner.

“Environmental capacity” refers to capacity of the man-made environment to fulfill the lives of the population.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

Sufficiently clear.

Paragraph (5)

Sufficiently clear

Article 34

Sufficiently clear.

Article 35

Sufficiently clear.

Article 36

Sufficiently clear.

Article 37

Sufficiently clear.

Articled 38

Paragraph (1)

Development of population viewpoint are efforts of increasing understanding of sustainable population development to realize a high quality population.

Paragraph (2)

Sufficiently clear.

Paragraph (3)

Sufficiently clear.

Paragraph (4)

Sufficiently clear.

Paragraph (5)

Sufficiently clear.

Paragraph (6)

Sufficiently clear.

Article 39

Sufficiently clear.

Article 40

Sufficiently clear.

Article 41

Sufficiently clear.

Article 42

Sufficiently clear.

Article 43

Paragraph (1)

“Community” refers to non-government organizations, community organizations, professional and private organizations.

Paragraph (2)

Sufficiently clear.

Article 44

Sufficiently clear.

Article 45

Sufficiently clear.

Article 46

Sufficiently clear.

Article 47

Sufficiently clear.

Article 48

Sufficiently clear.

Article 49

Sufficiently clear.

Article 50

Sufficiently clear.

Article 51

Sufficiently clear.

Article 52

Sufficiently clear.

Article 53

Sufficiently clear.

Article 54

Sufficiently clear.

Article 55

Sufficiently clear.

Article 56

Sufficiently clear.

Article 57

Sufficiently clear.

Article 58

Paragraph (1)

Development of population viewpoint may be conducted by the government and community either individually or mutually. Population viewpoint development may be

implemented by providing information, education, and facilities and infrastructure related to population development.

Paragraph (2)

Sufficiently clear.

Article 59

Sufficiently clear.

Article 60

Sufficiently clear.

Article 61

Sufficiently clear.

Article 62

Sufficiently clear.

Article 63

Sufficiently clear.

SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA
NO.5080