

Analysis of Article 408 of the New Criminal Code: Human Rights Dynamics in Restricting Access to Contraception for Children

Ria Anggraeni Utami¹, Zico Junius Fernando² &
Panca Sarjana Putra³

Abstract

Article 408 of Indonesia's new Criminal Code restricts children's access to information about contraception, aiming to shield them from content unsuitable for their age. This regulation emphasizes adult responsibility in creating a secure environment for children. However, it has sparked debate about the potential negative effects on children's access to essential reproductive health information. Limiting this access could inadvertently raise the risks of unintended teenage pregnancies and the spread of sexually transmitted diseases. The current policy presents a dilemma, balancing child protection with their right to comprehensive sexual education. It is evident there is a need to revise the law to better define the roles of parents and educators in providing reproductive health information and ensuring children receive safe, accurate, and age-appropriate education. Proposed changes include legal clarifications, development of suitable educational curricula, training for parents and educators in effective communication, partnerships with media for accurate information dissemination, and ongoing evaluation of sexual education programs. Additionally, advocacy and public awareness campaigns are crucial to foster open discussions on reproductive health. By fostering a supportive ecosystem through cross-sector collaboration, Indonesia can ensure that children's rights to informed and healthy development are balanced with protections against inappropriate content.

Keywords: Article 408, New Criminal Code, Human Rights Dynamics, Restricting Access, Contraception, Children, Legal Analysis, Reproductive Rights

Introduction

Ratification of the Draft Criminal Code (RUU KUHP) into law is a historic event in Indonesia's evolution of criminal law. This ratification was announced in the plenary session of the DPR RI on Tuesday, December 6, 2022.(Fernando, Wulandari, et al., 2023) Then it was promulgated on January 2, 2023, with Law No. 1 of 2023.(Andi Saputra, 2023) The Minister of Law and Human Rights,

¹Fakultas Hukum, Universitas Bengkulu, Indonesia. riaanggraeniutami@unib.ac.id

²Fakultas Hukum, Universitas Bengkulu, Indonesia. zjfernando@unib.ac.id

³Fakultas Hukum, Universitas Islam Sumatera Utara, Indonesia. pancasp@fh.uisu.ac.id

Yasonna H. Laoly, stated that this ratification marked a significant achievement for Indonesia, which has moved from the Dutch colonial-era Criminal Code to a Criminal Code that was formulated and adapted to Indonesia's own social, cultural, and legal context. (Tim Redaksi CNBC Indonesia, 2023) It was emphasized that, after more than a century, namely since the implementation of the Dutch Criminal Code in Indonesia in 1918 and the process of formulating criminal law reform, which began in 1963, Indonesia has now taken a big step by having a Criminal Code that is reformed in accordance with the dynamics and needs of criminal law in Indonesia. The main aim of reformulating Indonesia's Criminal Code is to bring the country's criminal justice system into alignment with international norms and standards, ensuring that Indonesia has a legal framework that is modern and responsive to contemporary crime challenges. In the revision of the Criminal Code, there is the addition of new articles specifically designed to address newly emerging and increasingly complex forms of crime, including cybercrime, terrorism, and money laundering. The integration of these new offenses into the Criminal Code not only marks significant legislative progress for Indonesia, but also enhances law enforcement agencies' ability to identify, pursue, and process crimes that are adapting to technological developments and globalization. This step confirms Indonesia's commitment to updating and improving its criminal legal system so that it is more effective in fighting crime, which is dynamic and changes with the times. (Butt, 2023)

However, in reality, in the new Criminal Code, there are several articles that have caused significant controversy among the public and legal experts because of their multi-interpretive nature, which allows for wide interpretation in their application. (Syifa Arrahman, 2022) The main criticism of these articles is their potential to become "rubber articles," that is, legal provisions that can be stretched to meet various inconsistent legal interests or even abuses of authority. (Willa Wahyuni, 2023) Articles like this in the new Criminal Code raise concerns about fair and transparent law enforcement. The diverse interpretations of these controversial articles can affect legal certainty and the protection of human rights because their application can be very subjective, depending on the judgment of law enforcers. This raises concerns that, without clear boundaries and interpretation guidelines, these articles could be used to target certain individuals or groups for unclear or illegitimate reasons, thereby threatening the principles of justice and equality in the eyes of the law. Article 408 in Indonesia's new Criminal Code, which deals with the issue of pregnancy prevention tools or contraception, has become a topic of hot discussion and controversy among the public. (Tatang Guritno et al, 2022) This article specifically regulates restrictions on minors' information dissemination and access to contraceptives. The purpose of this

article, broadly speaking, is to protect children from information and material deemed inappropriate for their age, given their sensitivity and potential negative impact on their moral and psychological development. In a broader context, the existence of this article reflects the challenges faced by countries in balancing human rights, including the right to reproductive and sexual health, with the social, cultural, and moral values that apply in society. On the one hand, regulating access to contraception aims to prevent out-of-wedlock pregnancies and reproductive health problems in adolescents. On the other hand, many people argue that these restrictions can hinder the rights of individuals, especially teenagers, to obtain adequate reproductive health information and services, which are part of human rights. The debate over Article 408 also reflects conflicting views in society regarding sexual education and access to reproductive health services. While some groups push for more inclusive sexual education and wider access to contraception as a preventive measure against teenage pregnancy and the spread of sexually transmitted infections, other groups believe that this could encourage extramarital sexual behavior and undermine traditional values.

In addition to Article 408, the purpose of this article is to protect children from information and access that is deemed inappropriate for their age, but ironically, this can also limit parents' ability to carry out their role as primary educators in matters of health and reproduction. In practice, these provisions may cause confusion or fear among parents regarding potential legal risks, simply because they want to provide important information that can help their children make informed and responsible decisions about their own reproductive health. This has the potential to create a situation where children may not receive adequate sexual education at home because parents feel unsure about what is legal to discuss, which in turn may increase the child's risk of experiencing reproductive or sexual health problems due to a lack of information and understanding. In the regulatory context, Article 408 of the new Criminal Code underlines the importance of finding the right balance between child protection and the promotion of reproductive rights. This requires ongoing dialogue between the government, health experts, educators, parents, and teenagers themselves to ensure that the policies taken can both protect and empower Indonesia's young population.

This research focuses its analysis on Article 408 of the new Criminal Code (KUHP), with the aim of uncovering the human rights dynamics associated with restricting access to contraception for children. Using normative legal methods, this research adopts statutory, conceptual, comparative, and futuristic approaches, having a descriptive-prescriptive nature that aims to not only describe current conditions but also provide recommendations for the future. (Fernando, Rosmanila,

et al., 2023) Using the content analysis method, we analyze the collected data to conduct an in-depth evaluation of legal texts, interpretations, and their practical implications for human rights, especially focusing on children's right to access reproductive health information and facilities. (Akhmad et al., 2023) This study carefully examines the text of Article 408, understands its provisions within the broader context of the Criminal Code reform, and assesses how this regulation potentially affects children's access to contraception from a statutory perspective. The conceptual approach facilitates further exploration of key concepts such as human rights, reproductive health rights, and child protection, expanding the understanding of the ideological underpinnings behind the restrictions.

This research compares Article 408 with similar regulations in other jurisdictions using comparative analysis, evaluates how different legal systems address the issue of contraceptive access for children, and identifies best practices and possible challenges. The futuristic approach anticipates the long-term consequences of the implementation of Article 408, taking into account possible changes in social and legal norms that may affect the effectiveness and fairness of restrictions on contraceptive access for children. Using content analysis, this research systematically parses the text of Article 408, supporting documents, academic literature, and other data sources to build a comprehensive understanding of its implications for human rights and children's reproductive health.

Analysis and Discussion

Striking a Balance: The Debate Over Article 408 and Contraceptive Education in Indonesia's New Criminal Code

One of the newest articles in the Criminal Code (KUHP) that has become a hot topic of discussion is about regulating access to contraceptives. This article, in particular, targets the distribution and accessibility of pregnancy prevention tools, which has generated various responses from the public and legal experts. Article 408 of the Criminal Code has a significant impact on the community's reproductive rights and sexual health, particularly for vulnerable groups like teenagers. In the midst of the ongoing debate, it is important to understand the meaning of this article in greater depth and assess the impact it may have on Indonesia's social and legal dynamics.

Article 408

"Any person who openly displays, offers, broadcasts, or shows that he can obtain contraceptives for children shall be punished with a maximum fine of category I".

Article 408 of the new Criminal Code has caused widespread discussion among the public and legal professionals because it regulates how information regarding contraceptives is conveyed to children. Explicitly, this article targets the actions of any person who deliberately displays, offers, broadcasts writings, or shows how to obtain contraceptives from children, with criminal consequences in the form of a maximum fine in category I. In the explanation of Article 408 of Law Number 1, in 2023, the new Criminal Code places special emphasis on protecting children from exposure to information about contraceptives by establishing provisions against individuals who "openly" carry out acts related to offering, broadcasting, or demonstrating contraceptives. Contraception for children. Here, the term "overtly" is interpreted as an action carried out directly and deliberately against the child, indicating a direct interaction between the perpetrator and the child as the recipient of the information. (KumaranWOMEN, 2022)

This interpretation underscores the legislative intent to control situations where children may be directly exposed to information or material deemed inappropriate for their stage of development, both emotionally and intellectually. This provision highlights the public's and policymakers' concerns about uncontrolled access to information and its potential to negatively influence children. By setting clear limits on demonstrating or offering contraceptives to children, this article seeks to ensure that children are protected from premature exposure to adult topics that may confuse or mislead them without appropriate guidance. This indirectly emphasizes the responsibility of adults to maintain a safe and supportive environment for children's development, ensuring that any information conveyed is appropriate to their age and developmental needs. Furthermore, this arrangement reflects global and national trends in recognizing children's rights to special protection, in line with international conventions and agreements on children's rights. In this context, article 408 is an example of how countries are trying to navigate the challenges of this information age, seeking to strike a balance between freedom of expression and protecting children's rights to grow up in an environment that protects their mental and physical health. This article aims to prevent behavior that can disrupt or damage childhood experiences by applying fines, strengthening the legal framework that supports children's care and education in a responsible and conscious way.

Within the framework of Article 408 of Law Number 1 of 2023 concerning the new Criminal Code, the emphasis on child protection reflects a deep understanding of the need to pay special attention to this age group in the context of disseminating information regarding contraceptive devices. Children, in legal and social contexts, are recognized as individuals who are in a critical

developmental phase, where their cognitive, emotional, and social aspects are developing. As a result, they are considered more susceptible to external influences, including information they receive from the surrounding environment.(Lamb & Sim, 2013) Concerns about the impact of access to information about contraceptives on children are rooted in the idea that children may not have the full capacity to process or understand such information in a healthy or constructive way.(Baxter et al., 2011) This perspective is based on the assumption that exposure to adult topics too early can lead to confusion, misuse of information, or even risky behavior without adequate guidance and explanation from a responsible adult or educator. By targeting the protection of children from direct and uncontrolled access to information about contraceptives, this article attempts to anticipate and prevent potential negative impacts that could disrupt their development or affect them negatively in the long term. This approach also represents a recognition by policymakers of the importance of ensuring that any information presented to children is tailored to their age and level of maturity, with the aim of supporting healthy development and providing protection against content that may be inappropriate or harmful to them at this stage or certain things in their lives.

The stipulation of sanctions in the form of "a maximum fine of category I" in the context of Article 408 of Law Number 1 of 2023 concerning the New Criminal Code is a reflection of the government's seriousness in regulating and controlling the dissemination of information about contraceptive devices to children.(Eka Alisa Putri, 2022) Category I fines, as the level of fines that have been determined in the statutory framework, indicate a well-measured and considered approach to responding to violations related to child protection. These sanctions are designed to balance the need to protect the best interests of the child by ensuring that the punishment imposed is proportionate to the type of offense committed. By implementing fines, legislators demonstrate recognition of the importance of providing clear and measurable consequences for those who violate this provision, while emphasizing that the state takes an active role in protecting children from information that could be considered inappropriate or potentially harmful to their development. Fines also send a message to the public, disseminating information about contraception to children is not something the law takes lightly, and that there are clear limits on what children can access in order to safeguard their well-being. In addition, the use of fines reflects an effort to balance law enforcement and rehabilitation. Rather than relying on potentially harsher prison sentences, fines provide a way to deal with violations in a manner that is less socially and economically detrimental while maintaining the educational and preventive goals of the law. This represents a policy that is more flexible and responsive to the

specific needs of children as a protected group, and implicitly recognizes that the primary purpose of these sanctions is to prevent harmful behavior without unnecessarily increasing the burden on the criminal justice system.

Reproductive Rights or Restrictions? Indonesia's Legal Dilemma on Youth Contraceptive Education

People who show birth control to children can be fined under Article 408 of Law Number 1 of 2023, which is part of the new Criminal Code (KUHP). Article 410 makes an important exception that lets "authorized officers" do these things in certain roles. (Ria Rizki Nirmala Sari, 2022) On the other hand, the Problem Inventory List (DIM) released by the National Commission on Violence against Women (Komnas Perempuan) says that some parts of Article 408 of Law Number 1 of 2023 about the new Criminal Code are not compatible with other laws that are meant to protect against HIV/AIDS and promote reproductive health. This includes rules that make it harder for children to get birth control. To avoid unplanned pregnancies, Komnas Perempuan emphasizes that children must receive comprehensive reproductive health education, which includes information on pregnancy prevention. (KumparanWOMEN, 2022)

This aligns with the initiative of the National Population and Family Planning Agency (BKKBN), namely the Planning Generation (GENRE) program, which aims to provide understanding and preparation to the younger generation in planning their lives and families in the future. The criticism from Komnas Perempuan highlights the tension between the desire to protect children from information deemed inappropriate and the need to provide them with access to comprehensive, evidence-based sexual education, which is necessary for their health and well-being. An overprotective approach and limited access to contraception information can increase ignorance and lead to negative consequences, such as unplanned teenage pregnancies and the spread of HIV/AIDS. (KumparanWOMEN, 2022) As a result, there are calls for changes or amendments to the law that better balance the protection of children with their right to obtain accurate and timely reproductive health information, in line with their need to make responsible decisions about their bodies and their future.

Apart from that, Article 408 of Law Number 1 of 2023 concerning the new Criminal Code can pose significant challenges for those closest to children, including parents, in carrying out their duties of providing reproductive health education. These rules specifically limit the dissemination of information about contraceptives to children except by authorized personnel, a provision that may not take into account the critical role of parents as primary educators and providers of information to their children. Parents and guardians play an important

role in sexual and reproductive health education, often in a front-line position to answer questions, address concerns, and guide their children through the changing years of puberty and adolescence.(Asih Purwanti et al., 2021) They are the first and most trusted source of information for many children.(Kusumaningrum et al., 2022) However, given the restrictions imposed by this article, parents may feel discouraged from talking about or showing contraceptives to their children, fearing the possible legal consequences of breaking the law.

The impact of these restrictions not only reduces parents' ability to provide complete and accurate reproductive health education, but also potentially increases the risk to children who may not receive important information about pregnancy prevention and sexually transmitted diseases from sources they trust. Without access to comprehensive, evidence-based information from parents or guardians, children may seek information from other sources that may be less accurate or reliable, which can lead to uninformed and potentially dangerous decision-making. In this context, the article raises important questions about how an appropriate balance between the protection of children and their right to comprehensive reproductive health education can be achieved.

This calls for a reconsideration of the role of parents in sexual education and whether there should be exceptions or adjustments in the law that recognize and respect their role as primary educators in matters relating to their children's reproductive health and well-being. A possible solution is the development of clear guidelines and support for parents in providing sexual education, ensuring that they are equipped with the knowledge and resources to help their children make healthy and responsible decisions about their bodies.

Empowering Indonesia's Youth: Balancing Child Protection with Comprehensive Sexual Education

Article 408 of Indonesia's new Criminal Law Code (KUHP) has sparked widespread debate, particularly regarding its impact on contraception accessibility and distribution, particularly on children. This article criminalizes all overt acts of displaying, offering, broadcasting, or demonstrating how to obtain contraception from children by imposing a maximum Category I fine as a sanction. The legislative intent behind this provision is clearly to protect children from premature exposure to information deemed inappropriate for their stage of development, thereby protecting their emotional and intellectual growth. Such attitudes highlight the concern of society and policymakers about controlling access to information and its potential to influence children negatively.

Analysis through a human rights lens highlights several important aspects. First, children have the right to be protected from information that could confuse

or mislead them without appropriate guidance. This reflects a commitment to child protection principles embedded in international conventions and agreements on children's rights. This protection concerns not only children's physical and mental health but also their right to receive information appropriate to their age and developmental needs. However, on the other hand, the application of Article 408 also raises questions about how to balance the protection of children's rights with the rights of adults to freedom of expression and access to information. Especially in the context of sexual education and reproductive health, where access to accurate and timely information can be critical in preventing risky behavior and supporting healthy decision-making. The imposition of sanctions in the form of fines demonstrates the government's efforts to enforce these laws in a manner deemed proportionate, seeking to deter behavior that could disrupt or harm childhood experiences without unnecessarily adding to the burden on the criminal justice system. This reflects an approach more oriented towards prevention and education than harsh punishment. However, it is important to evaluate the effectiveness and implications of Section 408 in practice. Questions that arise include how the definitions of "child" and "openly" are interpreted and applied in real cases, and how to ensure that law enforcement does not inadvertently hinder educational efforts aimed at improving adolescent reproductive health and awareness. In the context of human rights, the balance between child protection and freedom of information requires ongoing and reflective discussion. Article 408, for all its controversy, offers an opportunity for further dialogue on how Indonesia, like many other countries, seeks to navigate the challenges of the information age, seeking common ground between free expression and protecting children's rights to grow up in an environment that supports mental health and their physique.

The National Commission on Violence Against Women's concerns demonstrate the broader issue of an overzealous approach to protecting children that can increase ignorance and lead to negative consequences, such as unplanned teenage pregnancies and the spread of HIV/AIDS. Calls for changes or amendments to the law that better balance children's protection with their right to accurate and timely reproductive health information, consistent with their need to make responsible decisions about their bodies and their future, demonstrate the need for more mature and inclusive policies. This conflict, in the context of human rights, highlights the importance of a rights-based approach in formulating policies that affect children. The right to education, including reproductive health education, is recognized as one of the most fundamental human rights. Restricting access to relevant and accurate information about reproductive health and contraception has the potential to violate children's rights to receive an education

that is beneficial to their personal development and to protect their health and well-being.

A comparison between Indonesia and the Netherlands in their approaches to sexual and reproductive health education for children and adolescents offers valuable insights into the impact of policies on health and social outcomes. In Indonesia, Article 408 of the new Criminal Code criminalizes the dissemination of information about contraception to children, raising concerns about access to comprehensive sexual education. In contrast, the Netherlands adopted a very different approach through the implementation of "Long Live Love" (Lang Leve de Liefde), a comprehensive sexual education program in schools aimed at promoting positive sexual and reproductive health among adolescents. "Long Live Love" is known for its open, inclusive, and evidence-based approach, allowing teens to learn about relationships, sexuality, consent, contraception, and sexually transmitted disease (STD) prevention in a safe and supportive environment.(Mevissen et al., 2018) This program is designed to improve the knowledge, attitudes, and skills of adolescents, helping them make informed and responsible decisions about their sexual and reproductive health.(Schutte et al., 2014)

The effects of both approaches are clear in public health statistics: the Netherlands has one of the lowest rates of teenage pregnancy and STD infections in the world, while in Indonesia, where access to sexual education is often limited, the rates are significantly higher. Programs like "Long Live Love" show how effective sexual education can reduce risky behavior among teens and improve their overall well-being. Research demonstrates a significant decrease in risky sexual behavior among teenagers participating in the "Long Live Love" program, highlighting the effectiveness of the Dutch approach. Adolescents in the Netherlands are more likely to use contraception consistently and have better knowledge about sexual and reproductive health compared to their peers in countries with less comprehensive sexual education. This not only shows the importance of effective sexual education but also highlights how policies that support such an approach can have a far-reaching positive impact on the health and well-being of young people.(Van Lieshout et al., 2017)

This comparison underscores the importance of policies that support comprehensive sexual education as part of broader efforts to protect and promote the health and human rights of children and adolescents. By prioritizing inclusive, evidence-based education, countries can take important steps towards preventing unplanned teenage pregnancies and the spread of STDs while supporting healthy and responsible sexual development among young people.(Starkman & Rajani, 2004)

The role of parents as primary educators in their children's lives, especially in terms of sexual education and reproductive health, is a crucial element in forming a healthy understanding of bodies and relationships. (Pop & Rusu, 2015) However, the limitations imposed by Article 408 may limit parents' ability to provide comprehensive and accurate information related to reproductive health to their children. This may increase the risk for children who do not receive enough knowledge about pregnancy prevention and sexually transmitted diseases from reliable sources. When access to information is limited by certain laws or policies, children may face difficulties understanding their own bodies and managing their relationships healthily. Policies that limit access can also raise concerns about gaps in understanding and knowledge, especially among children from lower socio-economic backgrounds or financially disadvantaged families. Important questions arise regarding how to strike an appropriate balance between the protection of children and their right to comprehensive reproductive health education. There is no doubt that protecting children from exploitation and harm is a moral and legal imperative, but this protection must be accompanied by efforts to ensure that kids have access to the information necessary to make intelligent and healthy decisions about their reproductive health. In relation to human rights, this is a complex issue involving the individual interests of children and parents, as well as the state's responsibility to ensure that these rights are protected without discrimination. Thus, achieving a balanced and fair agreement in this matter is a challenge that must be faced by the government, regulatory institutions, and society as a whole.

To overcome the challenges faced in achieving a balance between the protection of children and their right to obtain important information regarding sexual education, various concrete solutions can be considered. First, exploring several tangible solutions can address the challenges encountered in striking a balance between safeguarding children and upholding their entitlement to crucial sexual education information. Initially, a critical step involves the review and potential amendment of Article 408. This process entails clarifying the definitions stipulated in the article, such as elucidating the terms "demonstrating contraception to a child" and "openly," while also incorporating explicit exceptions to accommodate comprehensive and precise sexual education within contextually appropriate settings. Such measures aim to provide legal clarity and flexibility, facilitating a more nuanced approach to sexual education that respects both child protection concerns and their right to knowledge. Second, prioritizing the development and implementation of a comprehensive sexual education curriculum emerges as a crucial step forward. This endeavor necessitates robust multi-stakeholder engagement aimed at crafting curricula tailored to children's age

groups and developmental stages. By involving experts from various fields, including education, psychology, and health, curriculum developers can ensure that the materials are not only age-appropriate but also sensitive to the diverse needs of learners. Moreover, adapting these materials to suit different educational contexts, whether in schools or community-based settings, enhances their relevance and effectiveness. Through this concerted effort, educators can deliver sexual education content that equips children with the knowledge and skills necessary for healthy sexual development while respecting their rights and safeguarding their well-being. Furthermore, emphasizing the importance of training for parents and teachers emerges as a critical aspect of addressing the challenges surrounding sexual education. This comprehensive approach entails providing both resources and training sessions geared towards equipping parents and educators with the necessary skills to engage in effective communication regarding reproductive health with children. By offering guidance on age-appropriate language and topics, as well as strategies for fostering open and supportive dialogue, these initiatives empower adults to navigate sensitive conversations with confidence and sensitivity. Additionally, incorporating a rights-based approach to reproductive health education ensures that parents and teachers understand the significance of upholding children's rights to accurate information and comprehensive education in this domain. Through such training programs, caregivers and educators can play a pivotal role in promoting healthy attitudes towards sexuality and supporting children's overall well-being. Fourth, fostering collaboration with media outlets and online platforms is imperative to effectively disseminate educational content pertaining to reproductive health while ensuring vigilant content monitoring. By partnering with media organizations and digital platforms, stakeholders can leverage these channels to reach a wider audience, including children and adolescents, with accurate and age-appropriate information on reproductive health. This collaboration involves not only creating educational content but also implementing robust mechanisms for content monitoring to safeguard against the dissemination of inappropriate or harmful material. By promoting responsible media practices and enacting stringent content moderation policies, this collaborative effort aims to uphold ethical standards while maximizing the accessibility of reliable reproductive health information. Through such partnerships, stakeholders can harness the potential of media and online platforms as powerful tools for advancing sexual education and supporting the well-being of young individuals in the digital age. Fifth, regular monitoring and evaluation processes are essential to assess the effectiveness of implementing Article 408 and sexual education initiatives for children and adolescents, while also incorporating feedback from the community. By systematically evaluating the

impact of these measures, policymakers and stakeholders can gain insights into their strengths, weaknesses, and overall effectiveness in achieving their intended outcomes. This entails conducting comprehensive assessments of both the implementation of legal provisions, such as Article 408, and the delivery of sexual education programs, including their reach, relevance, and impact on participants.

Furthermore, integrating feedback from the community, including children, adolescents, parents, educators, and other relevant stakeholders, is paramount to ensuring that these initiatives are responsive to the needs and preferences of the target audience. By soliciting input from diverse perspectives, policymakers can identify areas for improvement, refine strategies, and enhance the overall quality and relevance of sexual education efforts. This participatory approach not only fosters greater transparency and accountability but also strengthens community engagement and ownership of sexual education initiatives. Overall, regular monitoring and evaluation, coupled with community feedback mechanisms, play a crucial role in promoting evidence-based policymaking, fostering continuous improvement, and ultimately enhancing the effectiveness of efforts to safeguard children's rights and promote their sexual health and well-being. Sixth, advocacy efforts and public awareness campaigns play a vital role in enhancing understanding of the importance of comprehensive sexual education and fostering an open dialogue about reproductive health. By raising awareness about the benefits of sexual education, including its role in promoting healthy relationships, preventing sexually transmitted infections, and reducing unintended pregnancies, advocates can garner support for policies and initiatives aimed at improving access to such education for children and adolescents. These advocacy efforts may involve engaging various stakeholders, including policymakers, educators, healthcare professionals, parents, and community leaders, to champion the cause of sexual education. By highlighting the evidence-based benefits of comprehensive sexual education and dispelling misconceptions or stigmas surrounding the topic, advocates can build momentum for policy reforms and investment in sexual education programs. Moreover, public awareness campaigns can help to normalize discussions about reproductive health and challenge cultural taboos or barriers that hinder access to information and services. By leveraging diverse media platforms, educational materials, and community events, these campaigns can reach a wide audience and empower individuals to make informed decisions about their sexual health. Overall, advocacy and public awareness efforts are essential components of a comprehensive strategy to promote sexual education and advance the rights and well-being of children and adolescents. By fostering greater understanding, acceptance, and support for sexual education,

advocates can contribute to creating a more inclusive and informed society where individuals can thrive in their sexual and reproductive health.

With the outlined approach, Indonesia has the potential to cultivate an environment that effectively balances child protection with the right to access comprehensive and accurate sexual education. This endeavor necessitates concerted efforts and collaboration from a diverse array of stakeholders, including the government, educational institutions, civil society organizations, and families. These entities can work together to ensure that children and adolescents have the knowledge, skills, and support systems necessary for their sexual and reproductive health. The government plays a pivotal role in enacting and enforcing policies that safeguard children's rights while also promoting access to quality sexual education. This involves reviewing existing laws, such as Article 408, to address gaps and ensure legal clarity around sexual education provision. Furthermore, the government can allocate resources and create initiatives to support the development and implementation of comprehensive sexual education curricula in schools and communities. Educational institutions are key partners in delivering sexual education programs that are age-appropriate, culturally sensitive, and inclusive. By integrating sexual education into school curricula and providing teacher training, educational institutions can create supportive learning environments where children and adolescents can receive accurate information and guidance about sexual health. Civil society organizations play a crucial role in advocacy, community engagement, and service delivery related to sexual education and reproductive health. Through their expertise and grassroots networks, these organizations can raise awareness, challenge stigma, and promote dialogue about sexual health issues, thereby empowering individuals and communities to make informed decisions. Families also have a vital role to play in supporting children's sexual development and well-being. By fostering open communication, providing guidance, and modeling healthy attitudes and behaviors, parents and caregivers can create nurturing environments where children feel safe to ask questions and seek support regarding sexual matters. Overall, by fostering collaboration among these various stakeholders, Indonesia can create a supportive ecosystem that prioritizes both child protection and the right to receive comprehensive sexual education. This holistic approach aims to empower children and adolescents to make positive choices about their sexual and reproductive health, helping them grow into healthy, informed, and responsible individuals.

Conclusion

Article 408 of Indonesia's new Criminal Code, which regulates the restriction of access to and viewing of contraceptives for children, has sparked a heated debate on reproductive rights and sexual health education. With the aim of protecting children from exposure to information deemed inappropriate for their stage of development, the article asserts the responsibility of adults to create a safe and supportive environment for children's development. Despite its protective intent, the article also raises concerns about its impact on children's access to information needed to make responsible decisions about their reproductive health. This article reflects the government's seriousness in controlling the dissemination of contraceptive information to children by imposing a fine, while also demonstrating an attempt to find a balance between freedom of expression and the protection of children's right to grow up in an environment that protects their mental and physical health. It highlights the dilemma in navigating this information age: the importance of protecting children must be balanced with providing them access to accurate and age-appropriate information to support healthy and responsible development. Criticism of Article 408 of Indonesia's new Criminal Code (KUHP), which imposes restrictions on the prescribing of contraceptives to children, highlights an important dilemma in efforts to protect human rights, particularly the right of children to comprehensive reproductive health education. Such restrictions under the law can hinder children's access to critical information necessary for making responsible decisions about their reproductive health, thereby increasing the risk of unintended teenage pregnancy and the spread of sexually transmitted diseases like HIV/AIDS. The critique from Komnas Perempuan and BKKBN's GENRE program shows the importance of balancing child protection with their right to accurate and evidence-based sexual education. This underscores the need for legal revisions or amendments to clarify the role of parents and educators as key information providers in reproductive health, ensuring children and adolescents have access to safe, accurate, and age-appropriate information to support their holistic well-being and development. To solve the problem of protecting children while also granting them the right to complete sexual education in Indonesia, a wide range of steps must be taken. These include making laws like Article 408 more clear, creating and implementing sexual education programs that are appropriate for each child's age and situation, teaching parents and teachers how to talk to kids about sexual health in a healthy way, and working with the media and online platforms to spread the word. Also, advocacy efforts and public awareness campaigns are essential to increase understanding and support open dialogue on reproductive health, ensuring that children and adolescents have access to the information they need for healthy

sexual and reproductive health. Through collaboration between the government, educational institutions, civil society organizations, and families, Indonesia can create a supportive ecosystem that prioritizes both the protection of children and their right to receive comprehensive sexual education, allowing them to grow into healthy, informed, and responsible individuals.

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