

Legal Controversy The Phenomenon of Freedom to Buy and Sell Contraceptives in Palangka Raya

Ajeng Hijriatul Aulia¹, Ibnu Elmi A. S Pelu², Nyimas Tasya Farhana³,
Muhammad Luthfi Setiarno Putera⁴

^{1,2}State Islamic Institute of Palangka Raya|Islamic Center Complex, Street G. Obos,
Menteng, District. Jekan Raya, Palangka Raya City, Central Kalimantan
73112|hijrialiaa@gmail.com

³Sakarya Üniversitesi, Serdivan-Türkiye|Esentepe Kampüsü, Esentepe, Üniversite Cd.,
54050 Serdivan/Sakarya, Türkiye|nyimas.farhana@ogr.sakarya.edu.tr

⁴State Islamic Institute of Palangka Raya|Islamic Center Complex, Street G. Obos,
Menteng, District. Jekan Raya, Palangka Raya City, Central Kalimantan
73112|m.luthfi@iain-palangkaraya.ac.id

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Abstract: This study examines the controversial phenomenon of the freedom to buy and sell contraceptives in Palangka Raya, which is linked to the impact of unrestricted contraceptive distribution policies on vulnerable groups, particularly adolescents. According to data from the Central Statistics Agency (BPS) in 2021, Central Kalimantan has a relatively high early marriage rate, which has contributed to an increase in pregnancies at young ages. In this context, the researcher criticizes Nur Fadlan's view in his study arguing that the sale of contraceptives should not be restricted based on age or marital status, providing the sales agreement meets the conditions and pillars of sharia law. This opinion is considered to be in contradiction with the realities on the ground, where the freedom to access contraceptives, especially among adolescents who are not physically or mentally ready, can lead to negative consequences such as unwanted pregnancies and other health risks. Therefore, the researcher argues that the unrestricted sale of contraceptives without age or marital status limitations needs to be reconsidered. This study recommends updating policies to be more selective and protective, such as implementing age restrictions and requiring guidance from healthcare professionals during the contraceptive distribution process, to protect adolescents' health and well-being. Strengthening oversight of contraceptive distribution should also be carried out in accordance with the provisions of Article 31 Paragraph (1) of Government Regulation Number 87 of 2014 to ensure the policy effectiveness in protecting younger generations from potential health risks.

Key words: Contraceptive controversy, Teenagers, Controversy, Legal Policy, Marriage

Abstrak: Penelitian ini mengkaji fenomena kontroversi kebebasan jual beli alat kontrasepsi di Kota Palangka Raya, yang berkaitan dengan dampak kebijakan distribusi alat kontrasepsi secara bebas terhadap kelompok rentan, khususnya remaja. Berdasarkan data Badan Pusat Statistik (BPS) 2021, Kalimantan Tengah mencatatkan angka pernikahan dini yang cukup tinggi dan berdampak pada peningkatan angka kehamilan pada usia muda. Dalam konteks ini, peneliti mengkritik pandangan Nur Fadlan dalam penelitiannya yang menyatakan bahwa jual beli alat kontrasepsi seharusnya tidak dibatasi berdasarkan usia atau status pernikahan, karena akad jual beli telah memenuhi syarat dan rukun syariah. Pendapat ini dinilai bertentangan dengan realitas di lapangan, di mana kebebasan akses alat kontrasepsi, terutama di kalangan remaja yang belum siap secara fisik dan mental, dapat menyebabkan dampak negatif, seperti kehamilan yang tidak diinginkan dan risiko kesehatan lainnya. Oleh karena itu, peneliti berargumen bahwa kebebasan jual beli alat kontrasepsi tanpa pembatasan usia atau status pernikahan perlu dikoreksi. Penelitian ini merekomendasikan perlunya pembaruan kebijakan yang lebih selektif dan protektif, seperti pembatasan usia dan pendampingan tenaga kesehatan dalam proses distribusi alat kontrasepsi, untuk melindungi kepentingan kesehatan dan kesejahteraan remaja. Penguatan pengawasan terhadap distribusi alat kontrasepsi juga perlu dilakukan sesuai dengan ketentuan dalam Pasal 31 Ayat (1) Peraturan Pemerintah Nomor 87

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Tahun 2014, guna memastikan efektivitas kebijakan dalam melindungi generasi muda dari potensi risiko kesehatan.

Kata Kunci: Kontroversi alat kontrasepsi, Remaja, Kontroversi, Kebijakan Hukum, Pernikahan

Introduction

Murābahah are the cornerstone of Islamic banking financing in Indonesia.¹ According to Human Rights Education (HAM)² comprises fundamental rights of every individual³, including the right to possess children within a lawful marriage⁴, by the state playing a key role in controlling population growth through Family Planning [henceforth (KB)] programs⁵. Uncontrolled population growth can negatively affect societal welfare. The KB program, including the supply of high-quality and affordable contraceptives⁶, is a government strategy to address this issue.⁷ Its aim is to ensure public welfare through birth control, as stipulated in Article 18, paragraph (1) of Indonesia's Minister of Health Regulation No. 97 of 2014, which states that contraceptive services must consider religious, cultural norms, ethics, and health.⁸ Modern stores, such as: Alfamart, Indomart, and pharmacies sell contraceptive products freely without requiring supervision as other medications do⁹ such as prescriptions from pharmacists or doctor.¹⁰ Advances in technology and dynamics of digitalization in contraceptive sales have facilitated the public

¹ Hawa Gazani, Binti Nur Asiyah, and Nurul Hidayah, "Market Share Factors of Sharia Banks in Indonesia and Malaysia," *Al-Muamalat: Jurnal Ekonomi Syariah* 11, no. 1 (January 31, 2024): 16–32, <https://doi.org/10.15575/am.v11i1.33550>; Sakinah Maulidah Mastniah Amin and Tiara Juliana Jaya, "The Effect of Bank Performance and Macroeconomics on the Profitability of Indonesian Sharia Commercial Banks," *Al-Muamalat: Jurnal Ekonomi Syariah* 11, no. 1 (January 31, 2024): 95–114, <https://doi.org/10.15575/am.v11i1.34141>.

² hardi Hasiah, Awis Karni, Andri Ashadi, Sawaluddin Siregar, "Dinamika Hak Asasi Manusia: Kajian Benturan Norma Agama Dan Budaya Dalam Perspektif Al-Qur'an," *Kajian Al-Qur'an Dan Hadis* 5, no. 1 (2024): 1–23.

³ Leila Setia Ningsih et al., "Hak Asasi Manusia Dalam Perspektif Islam," *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 5, no. 2 (2023): 319–29, <https://doi.org/10.47467/as.v5i2.2627>.

⁴ Nurjaya Taufik Jamal, Abdul Halim, "Perlindungan Hukum Terhadap Anak Yang Lahir Dari Perkawinan Campuran Dan Tinggal Di Indonesia," *Qawanin Jurnal Ilmu Hukum*, 2020.

⁵ Frida Amalia, Hervina Hervina, and Dewi Maryah, "Urgensi Pembentukan Peraturan Daerah Terhadap Pembelian Alat Kontrasepsi Jenis Kondom Di Samarinda Seberang Perspektif Maqashid Syariah," *QONUN: Jurnal Hukum Islam Dan Perundang-Undangan* 7, no. 1 (2023): 30–41, <https://doi.org/10.21093/qj.v7i1.6122>.

⁶ Siti Maryam, "Analisis Persepsi Ibu Tentang Keluarga Berencana (Kb) Dengan Penggunaan Kontrasepsi Di Desa Sumberdadi Kecamatan Sumbergempol Kabupaten Tulungagung Tahun 2014," *Jurnal Universitas Tulungagung BONOROWO* 1, no. 2 (2018): 65–71, <https://journal.unita.ac.id/index.php/bonorowo/article/download/16/13/>; Mulyadi, "Implementasi Program Keluarga Berencana Di Kecamatan Tebas Kabupaten Sambas," *Ilmu Administrasi Negara* 5, no. 3 (2016), <https://jurnal.untan.ac.id/index.php/publika/article/view/1199>; Kasto Budiman, "Kualitas Pelayanan Keluarga Berencana Di Kecamatan Unaaha Kabupaten Konawe," *Majalah Geografi Indonesia* 23, no. 2 (2016): 154–75.

⁷ Muhammad Zikri Adam, "Analisis Yuridis Terhadap Penjualan Alat Kontrasepsi Kondom Di Indonesia : Perspektif Masalah Mursalah" (2024).

⁸ Aditya Rahmadhony Peneliti et al., "Article 3 9-25-2021 Part of the Administrative Law Commons, Comparative and Foreign Law Commons, Constitutional Law Commons, Criminal Law Commons, and the Natural Resources Law Commons Recommended Citation Recommended Citation Rahmadhony, Aditya; Puspitas," *Jurnal Hukum & Pembangunan* 51, no. 3 (2021): 3, <https://doi.org/10.21143/jhp.vol51.no3.3124>.

⁹ Rizki Ariani, "Penjualan Alat Kontrasepsi Kondom Secara Bebas Perspektif MUI Kota Palangka Raya," 2019, 1–105; Toyib Toyib, Maura Linda, and Tri Agus, "Analisis Pengaturan Penjualan Obat Bebas Dan Obat Bebas Terbatas Di Warung Dan Toko Kelontong Berdasarkan Undang-Undang Kesehatan," *AKADEMIK: Jurnal Mahasiswa Humanis* 4, no. 3 (2024): 713–26, <https://doi.org/10.37481/jmh.v4i3.987>; I Zulfah and C Permata, "Perlindungan Anak Terhadap Pemasaran Alat Kontrasepsi Secara Bebas Di Mini Market Ditinjau Dari Saad Al-Dzari'at," *Al-Mashlahah Jurnal Hukum* ..., 2022, 751–62, <https://doi.org/10.30868/am.v10i02.3050>.

¹⁰ Mudyawati Kamaruddin, Nita Ariani Nur, and Sukmawati, "Gambaran Pengetahuan Suami Tentang Alat Kontrasepsi Kb Kondom Di Dusun Sapanang Kecamatan Kajang Kabupaten Bulukumba," *Medika Alkhairaat : Jurnal Penelitian Kedokteran Dan Kesehatan* 2, no. 3 (2020): 95–99, <https://doi.org/10.31970/ma.v2i3.59>.

to access products like condoms through e-commerce platforms or retail applications such as Alfagift.

This convenience allows consumers to purchase quickly without any direct interaction in stores, thus maintaining privacy. Furthermore, this purchasing method provides easier access for young people, who might previously feel awkward or restricted by social norms when purchasing such products in physical stores. Data from Central Kalimantan highlight that this ease of access is able to lead to unintended consequences. According to government statistics, Central Kalimantan experiences an increase in early marriages, rising from fifth place in 2020 to third place in 2021. This increase is possibly potential to be linked to high accessibility of products that facilitate sexual relations among individuals who may not yet be prepared to take responsibility, driven by the ease of acquiring contraceptives. This phenomenon underlines the need for better oversight and education regarding reproductive health literacy for young generation, aiming to balance accessibility with an understanding of associated risks. Reproductive rights and social welfare are crucial aspects emphasized in the government's family planning (KB) regulations, which stress the importance of population control as part of national policy.¹¹

Condoms are a common contraceptive method¹², not only for preventing pregnancy but also for protecting against sexually transmitted infections (STIs)¹³, including HIV, and are widely recognized among younger generations.¹⁴ Most of Generation Z views contraception primarily as a tool for preventing pregnancy, with condoms being one of the most accessible methods, although their use must align with social and religious norms.¹⁵ Terminologically, contraception refers to tools or medications used to prevent pregnancy.¹⁶ Article 23, paragraph (2) of the Regulation of Indonesia's Minister of Health No. 97 of 2014 mentions short-term contraceptive methods such as injections, pills, and condoms. Furthermore, Article 18, paragraph (1) states that contraceptive services must be aligned with religious and cultural norms. This aligns with previous study by Frida Amalia finding the use of contraception among young people is often influenced by education and access to reproductive health information.¹⁷ Contraceptive methods like condoms are crucial for population control and maintaining reproductive health, such as preventing STIs¹⁸,

¹¹ Zulfah and Permata, "Perlindungan Anak Terhadap Pemasaran Alat Kontrasepsi Secara Bebas Di Mini Market Ditinjau Dari Saad Al-Dzari'at."

¹² badan kependudukan dan keluarga berencana nasional, "Kamus Istilah Kependudukan KB Dan Keluarga Sejahtera," 2021, 1-141, https://dashboard.bkkbn.go.id/_nasional/bantuan/Kamus_Istilah_Kependudukan_dan_Keluarga_Berencana_sub_menu_daftar.pdf.

¹³ Muhammad Fadhlan Is, "(Studi Kasus Legalitas Kompilasi Hukum Islam Di Indonesia)," *El-Ahli: Jurnal Hukum Keluarga Islam* 2, no. 1 (2021): 26-45, <https://jurnal.stain-madina.ac.id/index.php/el-ahli/article/view/476>.

¹⁴ Leigh E. Szucs et al., "Condom and Contraceptive Use Among Sexually Active High School Students - Youth Risk Behavior Survey, United States, 2019," *MMWR Supplements* 69, no. 1 (2020): 11-18, <https://doi.org/10.15585/mmwr.su6901a2>.

¹⁵ Annisa Fitri Rahmadini et al., "Faktor-Faktor Yang Berhubungan Dengan Persepsi Remaja Dalam Penerapan Program KB Di Masa Mendatang Pada Generasi Zillennial," *Journal of Public Health Innovation* 4, no. 02 (2024): 297-304, <https://doi.org/10.34305/jphi.v4i02.1030>.

¹⁶ Favian Rafif Firdaus et al., "Identifikasi Pengetahuan Dan Persepsi Tentang Kontrasepsi Pada Generasi Z Di Surabaya," *Jurnal Farmasi Komunitas* 6, no. 2 (2020): 60, <https://doi.org/10.20473/jfk.v6i2.21850>.

¹⁷ Amalia, Hervina, and Maryah, "Urgensi Pembentukan Peraturan Daerah Terhadap Pembelian Alat Kontrasepsi Jenis Kondom Di Samarinda Seberang Perspektif Maqashid Syariah."

¹⁸ Anisa Nur Hasanah Ainun hanifa, "Pengaruh Pendidikan Kesehatan Terhadap Penggunaan Kondom Pada Wanita Pekerja Seksual (WPS) Di Kabupaten Tulungagung," *Jurnal Ilmiah Ilmu Kebidanan* 10 (2020): 1.

However, regulations concerning their distribution need to be improved¹⁹ to ensure their use aligns with social and religious norms.²⁰

This study will explore the importance of clearer regulations in overseeing the sale and purchase of contraceptive devices²¹, particularly in Palangka Raya City. Currently, regulations on governing the contraceptive-device trade remain limited, despite their serious role in reproductive health programs.²² While contraceptives are essential tools for reproductive health²³, the government has yet to designate a specific agency responsible for monitoring the distribution and sale of these devices. Unlike medications requiring prescriptions, contraceptive devices are freely available, raising concerns about potential misuse.²⁴ Article 31, Paragraph (1) of Government Regulation No. 87 of 2014 states that the government must establish policies related to the procurement and distribution of contraceptive devices, yet oversight of their distribution remains minimal. The licensing of contraceptive sales in modern retail stores should be more strictly regulated²⁵ to ensure their use aligns with health and social regulations while adhering to religious norms.²⁶ Regulations and oversight of contraceptive devices must be clearer and stronger to protect society from the misuse risks, particularly in Palangka Raya City, where specific regulations on contraceptive devices are still lacking.

Contraceptive use and distribution in Turkey reflect the ideological views of the government, particularly its pro-natalist policies. The conservative views of some leaders, including President Recep Tayyip Erdoğan, encourage people to increase the birth rate in the interests of the state. However, contraceptives remain available in Turkey through the public and private health systems. There is no law explicitly prohibiting the use of contraceptives, and the decision to use them is left to the individual or couple. Access to contraceptives reflects the government's efforts to continue to provide appropriate reproductive health services, although there is variation in accessibility in more conservative rural areas. Turkey, with a Muslim majority, has religious views that can influence perceptions of contraceptives. However, these interpretations are not directly translated into national legal policies, leaving use largely a matter of personal decision. In this context, contraceptive accessibility in Turkey reflects the dynamic between the

¹⁹ Mona S Fatiah Peminatan Kesehatan Reproduksi et al., "Determinan Akses Memperoleh Kondom Pada Kalangan Lelaki Seks Lelaki Di Indonesia Determinants of Condom Access Among Men Have Sex With Men (Msm) in Indonesia," *Jurnal Kesehatan Reproduksi* 14, no. 1 (2023): 1–9, <http://journaliakmitangsel2.iakmi.or.id>.

²⁰ Zamzam Mustofa, Nafiah Nafiah, and Dyna Prasetya Septianingrum, "Hukum Penggunaan Alat Kontrasepsi Dalam Prespektif Agama Islam," *MA'ALIM: Jurnal Pendidikan Islam* 1, no. 02 (2020): 85–103, <https://doi.org/10.21154/maalim.v1i02.2625>.

²¹ Alfina Syafitri, *PERSPEKTIF TOKOH ORMAS ISLAM PROGRAM STUDI HUKUM EKONOMI SYARI 'AH FAKULTAS SYARI 'AH UNIVERSITAS ISLAM NEGERI*, 2024.

²² Puspa Sari, Christin Angelina Febriani, and Achmad Farich, "Analisis Determinan Yang Berhubungan Dengan Partisipasi Pria Menjadi Akseptor Program Keluarga Berencana Di Indonesia (Analisis Data SDKI Tahun 2017)," *Jurnal Kesehatan Komunitas* 9, no. 1 (2023): 138–48, <https://doi.org/10.25311/keskom.vol9.iss1.1306>.

²³ Samsi Narti Samsi et al., "Edukasi Pendidikan Kesehatan Pada Pasangan Usia Subur Dalam Pemilihan Kontrasepsi," *Jurnal Abdi Kesehatan Dan Kedokteran* 2, no. 1 (2023): 74–83, <https://doi.org/10.55018/jakk.v2i1.30>.

²⁴ Ucu Wandi Somantri, "Edukasi Bahaya Perilaku Seks Bebas Generasi Gen Z Di SMK Mathla'ul Anwar Sukalangu Pandeglang," *ASPIRASI: Publikasi Hasil Pengabdian Dan Kegiatan Masyarakat* 2, no. 1 (2024): 222–28, <https://doi.org/10.61132/aspirasi.v2i1.324>.

²⁵ Ibnu Elmi Achmad Slamet Pelu and Jefry Tarantang, "Fatwa Majelis Ulama Indonesia Sebagai Solusi Permasalahan Umat Islam Di Indonesia," *Al-Manahij: Jurnal Kajian Hukum Islam* 14, no. 2 (2020): 307–16, <https://doi.org/10.24090/mnh.v14i2.3927>.

²⁶ Mutohharul Janani, Hamzah, and Khusna Ikhwanil Arifin, "Peran Pemerintah Provinsi Banten Dalam Menjalankan Program Keluarga Berencana Untuk Mengurangi Pertumbuhan Penduduk," *Tajug: Jurnal Pemikiran Islam, Sosial, Dan Humaniora* 1, no. 2 (2024): 8–17, <https://journal.alshobar.or.id/index.php/tajug/article/view/218>.

government's conservative ideology and the needs of modern society for safe and affordable reproductive health services.

Free access to contraceptives such as condoms can encourage behaviors that contradict religious norms, particularly in the context of premarital sexual²⁷ relations²⁸. Stricter regulations are needed to govern the contraceptive-device distribution, especially in modern retail stores, to prevent misuse and ensure their use aligns with established regulations. In that, Islam strictly prohibits premarital sexual relations²⁹, and the use of condoms outside the scope of reproductive health objectives can potentially encourage such behavior. Article 27 of Law No. 52 of 2009 prohibits the misuse of contraceptive devices beyond their intended purposes. Additionally, Al-Qur'an in Surah Al-Isra' verse 32, explicitly forbids adultery (*zina*)³⁰ emphasizing that sexual relations are permissible only within the bounds of lawful marriage.³¹ Free access to contraceptives must be more rigorously monitored to prevent misuse that contravenes religious and social norms by more specific regulations that balance reproductive health rights and moral values.³² It is crucial to establish clear and strict regulations on the sale of contraceptives in modern retail outlets, ensuring that their distribution adheres to social and religious norms while supporting reproductive health objectives.³³

Research Methodology

This study applied a qualitative method with a phenomenological approach aimed at deeply analyzing the society experiences, particularly adolescents, in dealing with contraceptive distribution policies in Palangka Raya City. This method seeks to explore public's profound awareness of the impact of contraceptive distribution policies from both a social and reproductive health perspectives. By allowing social realities to naturally reveal themselves, this study endeavors to interpret the meanings embedded in society's experiences, especially concerning free access to contraceptives. The analysis involves examining the legal framework, particularly Article 31 Paragraph (1) of Government Regulation No. 87 of 2014 regarding the procurement and distribution of contraceptives, as well as secondary data such as statistics on early marriages and family planning policies in Central Kalimantan. This phenomenological approach aims to identify weaknesses in existing regulations while also understanding the social implications of these policies. The findings are expected to provide recommendations for more protective policies.

²⁷ Ibnu Elmi Acmad Slamet Pelu et al., "Sex Recession Phenomenon from the Perspective Maqashid Sharia Based on Objectives Marriage Law in Indonesia," *Al-Istinbath: Jurnal Hukum Islam* 7, no. 1 (2022): 39–54, <https://doi.org/10.29240/jhi.v7i1.4204>.

²⁸ Olagoke Akintola Thabile J. Ketye, Gbotemi B. Babatunde, Solange Mianda, "Provider Perspectives On Adolescent Access To Contraception In South Africa," *AFRICAN JOURNAL OF PRIMARY HEALTH CARE & FAMILY MEDICINE* 16, no. 1 (2024).

²⁹ Rifqul Afif and Ilham Candra, "Jual Beli Kondom Perspektif Hukum Islam," *Saqifah: Jurnal Hukum Ekonomi Syari'ah* 7, no. 2 (2021): 43–57.

³⁰ Yahya Fathur Rozy and Andri Nirwana AN, "Penafsiran 'La Taqrabu Al- Zina' Dalam Qs. Al-Isra' Ayat 32 (Studi Komparatif Antara Tafsir Al-Azhar Karya Buya Hamka Dan Tafsir Al-Mishbah Karya M. Quraish Shihab)," *QiST: Journal of Quran and Tafseer Studies* 1, no. 1 (2022): 65–77, <https://doi.org/10.23917/qist.viii.525>.

³¹ Muhammad Wiranto and Nasri Akib, "Larangan Mendekati Zina Dalam Q.S Al-Isra'/17:32 (Analisis Kajian Tahlili)," *El-Maqra Ilmu Al-Qur'an, Hadis Dan Teologi* 2, no. 1 (2022): 46–48, <http://repository.radenintan.ac.id/8657/1/SKRIPSI.pdf>.

³² Noura Alomair et al., "Factors Influencing Sexual and Reproductive Health of Muslim Women: A Systematic Review," *Reproductive Health* 17, no. 1 (2020): 1–15, <https://doi.org/10.1186/s12978-020-0888-1>.

³³ Rifdatus Sholihah, "Hukum Mencegah Kehamilan Perspektif Imam Ghazali Dan Syekh Abdullah Bin Baaz," *Al-Hukama'* 9, no. 1 (2019): 76–102, <https://doi.org/10.15642/alhukama.2019.9.1.76-102>.

Results and Discussion

Early marriage is a social issue that can impact population growth dynamics³⁴, particularly in Central Kalimantan. This phenomenon is often perceived as a solution to address social problems such as premarital pregnancy or economic pressures. However, marriages occurring at a young age have significant effects on health, education, family welfare, and impair population growth rate.³⁵ According to data from the Central Statistics Agency (BPS) in 2021, Central Kalimantan recorded relatively high rates of early marriage compared to other provinces in Indonesia. These figures highlight a major challenge in controlling population growth, as early marriages are often followed by pregnancies that accelerate population increases within a short period.

Marriages at a young age, especially among adolescents who are not physically and mentally prepared, have adverse effects on health. Health risks for young mothers include premature birth, preeclampsia, and other complications that endanger both mother and child. Additionally, early marriage limits educational opportunities, particularly for girls, leading to a lower quality of human resources in the future. All these factors contribute to worsening social and economic inequality and accelerating uncontrolled population growth. This phenomenon further strains the health and education sectors and worsens poverty among families trapped in the early marriage cycle. Therefore, to control population growth, it is crucial to raise awareness about the negative impacts of early marriage, promote reproductive health education programs, and provide access to contraception and family planning services. By doing so, it is hoped that early marriage rates will decline, population growth will be better managed, and a more prosperous future for Central Kalimantan people can be achieved.

Another closely related issue is the use of contraceptives among adolescents who are not physically or mentally prepared. In Central Kalimantan, the distribution of contraceptives has become highly accessible to public. Contraceptives are no longer limited to hospitals or health centers but are also available in pharmacies and modern retail stores such as Alfamart and Indomaret. Although these contraceptives aim to prevent unwanted pregnancies, realities on the ground revealed that many adolescents use them without adequate understanding of their functions or proper usage. According to data from the National Population and Family Planning Agency (BKKBN) in 2020, approximately five million couples of reproductive age in Indonesia used contraceptives. However, this data also shows a rising number of adolescents using contraceptives without medical guidance or sufficient knowledge about safe usage. This presents a problem, as improper use of contraceptives can pose health risks and lead to more liberal sexual behavior, which worsens the rates of early marriage and the spread of sexually transmitted infections.

The phenomenon of contraceptive misuse among adolescents reflects a lack of oversight in the distribution of these tools, which have become increasingly accessible. In many areas, particularly in urban centers such as Palangka Raya, adolescents can purchase contraceptives without medical supervision or adequate counseling. Ideally, contraceptives should be used only by individuals who are physically and mentally prepared to plan for a family. However, in many cases, adolescents buying contraceptives from pharmacies or modern retail stores often lack proper knowledge of their safe and correct usage, as well as the potential consequences of improper use. The ease of access to contraceptives, though

³⁴ Salsabila Khairunnisa and Nunung Nurwati, "Pengaruh Pernikahan Pada Usia Dini Terhadap Peluang Bonus Demografi Tahun 2030," *Jurnal Ilmu Kesejahteraan Sosial HUMANITAS* 3, no. 1 (2021): 45-69, <https://doi.org/10.23969/humanitas.v3i1.2821>.

³⁵ Agustina Tresendi Ndala, Wilfrida Chintia Teku, and Yohanes Filkianus Malik, "Menikah Muda : Menggali Dampak Tersembunyi Pada Pendidikan Dan Karir Married Young: Exploring the Hidden Impact on Education and Career" 2, no. 6 (2024).

intended to prevent unwanted pregnancies, has inadvertently created new issues. Many adolescents feel they can freely engage in sexual activities without worrying about pregnancy. This behavior, indeed, clashes with social and religious values upheld among Indonesian society, especially in regions with predominantly Muslim populations. Islam, like many other religions, emphasizes the importance of maintaining chastity before marriage and prohibits sexual relations outside of wedlock. When contraceptives are used improperly and without proper guidance, the risks extend beyond unintended pregnancies. This misuse can also lead to more serious health issues, such as sexually transmitted infections or hormonal imbalances.

The misuse of contraceptives among adolescents also leads to broader social issues. Adolescents engaging in premarital sexual behavior without careful consideration often face heavier emotional and psychological pressures. They are unprepared to deal with the consequences of their actions, such as unintended pregnancies or the psychological distress resulting from unstable relations. Furthermore, this issue worsens gender inequality, as women frequently bear the brunt of early marriages or unplanned pregnancies, while men are not subjected to the same social consequences. To address this early marriage challenges and contraceptive misuse, stricter regulations and oversight of contraceptive distribution are necessary. The Indonesian government, through the National Population and Family Planning Agency (BKKBN) and the Ministry of Health, has implemented several regulations aimed at governing the use of contraceptives. One such regulation is the Indonesian Minister of Health Regulation No. 97 of 2014, which outlines contraceptive services while considering health, cultural, religious, and ethical aspects.

However, despite the existence of these regulations, there are still significant gaps in their implementation, allowing contraceptives to be sold freely without medical supervision. The government needs to tighten these regulations, for example, by requiring counseling or health check-ups before anyone, especially adolescents, can purchase contraceptives. Additionally, oversight should involve related parties such as medical professionals, families, and communities to ensure that contraceptives are used properly and only by those who are physically and mentally prepared. In addition to distribution oversight, there must be greater efforts to enhance reproductive health education among adolescents. This education should start at an earlier age, both in schools and through public health programs. Comprehensive reproductive health education will provide adolescents with a better understanding of how to maintain sexual health and the consequences of engaging in premarital sexual activities.

In addition to government regulations, the role of religion and society is also crucial in addressing early marriage issues and contraceptives misuse. Religion plays a significant role in shaping society's morality and social behavior. Therefore, religious leaders should be more proactive in providing guidance and advice on the importance of preserving purity before marriage and understanding family values in Islam. In Central Kalimantan, in particular, many people still highly uphold religious and social norms. Hence, a religion-based approach can be one of the key strategies to prevent early marriage and unwise use of contraceptives. Society also needs to be involved in supporting teenagers so they can make wise decisions regarding their reproductive health and personal lives. A society that cares about the education and well-being of its youth will have a significant impact on reducing the rate of early marriage and inappropriate contraceptive use.

The issue of contraceptive misuse in Central Kalimantan is a highly complex and profound social problem. Although the distribution of contraceptives is intended to reduce unwanted pregnancies, the reality on the ground shows that overly liberal access to contraceptives can worsen the problem, especially for adolescents who are not yet physically or mentally prepared. To address this issue, stricter regulations on contraceptive distribution are needed, along with enhanced reproductive health education for teenagers.

Additionally, the role of religion and society in providing education and guidance is crucial to ensure that adolescents can make wise decisions regarding their sexual and family lives.

In accordance with Article 31 Paragraph (1) of Government Regulation Number 87 of 2014, which states that *"The Central Government, Provincial Government, and District/City Government establish policies for the procurement and distribution of contraceptive tools and drugs, including activities for planning needs, provision, and distribution. The procurement of contraceptive tools and drugs is carried out by considering the balance between needs, provision, and public demand."* The issue of contraceptive misuse in Central Kalimantan reveals social dynamics that are not only complex but also pose regulatory challenges. While the contraceptive distribution aims to prevent unwanted pregnancies, the reality on the ground shows that overly unrestricted access can have negative impacts, particularly for adolescents who are not yet physically or mentally prepared.

This situation highlights the need for stricter regulations and adequate monitoring of contraceptive distribution to protect vulnerable groups, such as adolescents. Additionally, comprehensive reproductive health education is urgently needed so that adolescents can understand the risks and make informed decisions regarding their sexual and family lives. In this context, the role of religion and society in providing moral guidance is crucial for fostering responsible behavior. However, the existing regulations, such as those outlined in Article 31 Paragraph (1) of Government Regulation Number 87 of 2014, appear insufficient to fully protect these vulnerable groups. The article merely states that the central, provincial, and district/city governments are tasked with establishing policies for the procurement and distribution of contraceptive tools and drugs by considering the balance between needs, supply, and public demand. Unfortunately, the article does not include specific provisions aimed at protecting adolescents from contraceptive misuse. The absence of such protective clauses reflects a lack of attention to potential negative impacts, such as misuse by adolescents or distribution without stringent oversight.

Moreover, the lack of oversight in the distribution of contraceptives worsens the situation. Without clear control mechanisms, contraceptives can be easily accessed by inappropriate parties, including adolescents who may not fully understand the consequences of their use. This contradicts the primary objective of contraceptive provision, which is to support healthy and responsible family planning. This mismatch indicates the need for policy updates that include distinct protections for adolescents as well as more effective distribution monitoring. Given these discrepancies, more specific regulations and stricter supervision are essential to address the shortcomings in the implementation of the article. The government must introduce protective measures for vulnerable groups, such as age restrictions or mandatory guidance by healthcare professionals during distribution. Additionally, enhanced monitoring is needed to ensure that contraceptives are not misused by individuals who are not physically or emotionally prepared. Collaborative efforts involving the government, society, and educational institutions can be a strategic approach to creating policies that are not only fair but also effective in safeguarding adolescents from the risks associated with contraceptive misuse.

Yet, according to Nur Fadlan, the validity of a sale, in transactions, does not require specific conditions as long as the goods can be delivered. The obligation lies in ensuring that the seller does not obstruct the relationship between the buyer and the goods. The freedom to sell contraceptives online is considered boundless, meaning anyone can engage in contraceptives buying and selling through online platforms without restrictions based on marital status. This is because such transactions are deemed to meet the conditions and pillars established in sharia law, with sin arising only if there is wrongful intent or other factors that deviate from sharia principles. From this perspective, the contraceptives sale to unmarried adolescents is not considered prohibited, which may encourage teenagers to

engage in unmarried sexual relations. This freedom is reflected in unrestricted practices of marketing, advertising, and distributing contraceptives.³⁶

A study by Nur Fadlan stating that the freedom to buy and sell contraceptives online should not be restricted based on marital status, warrants further scrutiny. According to Fadlan, as long as the sales agreement fulfills the conditions and pillars of sharia, there is no prohibition on selling contraceptives to unmarried adolescents. However, this perspective contrasts with the realities on the ground. From the perspective of legal utility theory, which posits that the purpose of law is to provide the greatest benefit or happiness for the largest number of people, policies regarding the contraceptive sales should be oriented toward collective benefits rather than merely meeting the formal conditions of a sales agreement. This underlines that laws should enable society to live in an orderly manner and to develop physically, mentally, and spiritually. In this context, unrestricted contraceptive sales with no age limitations disregard the principle that the benefits of law must be comprehensive and must not create widespread potential harm, such as misuse by adolescents. Moreover, such policies contradict the social justice values, as negative impact is more significantly felt by vulnerable groups, particularly young women.

A study by Fadlan emphasizing the validity of contraceptive sales agreements without considering the impact of their use, reveals a shortcoming in the implementation of legal utility theory. While such transactions may be legally valid under sharia law, they should not be evaluated solely on the basis of the legitimacy of the agreement but also on how the products are used. By focusing solely on the formal validity of sales agreement based on the conditions and pillars of sharia, the study tends to overlook the tangible benefits and consequences of contraceptive distribution. Transactions that lack monitoring mechanisms or guidance can lead to misuse with harmful consequences, contradicting the law's purpose of maximizing societal benefits. Policies that prioritize formal legal certainty without considering the benefits or effects on specific societal groups can result in inequality.

The example of Turkey shows that despite the country's pro-natalist policies, access to contraceptives is maintained to support the reproductive health of the population. Turkey integrates these services into the public health system and ensures that contraceptives are accessible in pharmacies and health facilities. However, as in Palangka Raya, this accessibility is challenging in more culturally conservative rural areas. This highlights the importance of comprehensive education programs and distribution monitoring, to ensure that contraceptives are used wisely by those in need, without creating potential for misuse.

Therefore, there is an urgent need for regulations on the distribution of contraceptives to be designed in such a way that they ensure not only legal certainty but also justice and optimal benefits for all parties involved. If the focus remains solely on the validity of sales agreements based on the conditions and pillars of sharia, this perspective risks neglecting the tangible benefits and broader implications of contraceptive distribution. In practice, legal policies should not merely ensure formal legal certainty but also consider their impact on individuals and society as a whole. The unrestricted sale of contraceptives without age restrictions or adequate education poses a significant risk of misuse by adolescents who may not be physically or mentally prepared. Without proper oversight, the free distribution of contraceptives could inadvertently support irresponsible behavior under the guise of formal transaction legality. Based on a more comprehensive conclusion and existing regulations, such as Article 31 Paragraph (1) of Government Regulation Number 87 of 2014, stricter and more selective oversight of contraceptive distribution is necessary, especially for vulnerable groups such as adolescents. Therefore, arguments advocating for unrestricted sales regardless of age or marital status should be reconsidered.

³⁶ Nur Fadlan, "Kebebasan Jual Beli Alat Kontrasepsi Secara Online Perspektif Peraturan Pemerintah Nomor 82 Tahun 2012, Undang-Undang Nomor 11 Tahun 2008, Dan Sadd Adz-Dzari'ah" (2017).

More robust protective measures—such as age restrictions and mandatory guidance by healthcare professionals—must be implemented to safeguard the health and well-being of adolescents.

Conclusion

The misuse of contraceptives in Central Kalimantan, particularly in Palangka Raya, requires more serious attention. While the contraceptive distribution is intended to prevent unwanted pregnancies and support family planning programs, unrestricted access can lead to negative consequences. Fadlan's findings suggesting the freedom to buy contraceptives without age or marital status restrictions should be reconsidered, highlight a significant concern, as such policies may conflict with the need for stricter protection for vulnerable groups. This concern is further reinforced by existing regulations, such as Article 31 Paragraph (1) of Government Regulation Number 87 of 2014, which does not specifically provide protection for adolescents, leading to weak oversight in contraceptive distribution. Therefore, there is an urgent need to update policies by adding more stringent protective clauses, such as age restrictions and mandatory guidance from healthcare professionals during the contraceptive purchase process.

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