

## **Political Reconstruction Law Society Building Policy Action Alert Healthy Prosperous and Dignified In Making Healthy Generation Of Gold In The District Lumajang Lumajang (Normative Approach)**

Jati Nugroho, Dwi Sriyantini

*STIH Jenderal Sudirman Lumajang, Jalan Mahakam 7 Lumajang*

---

**ABSTRACT:-** The right to health as a human right to have a strong national legal basis, namely the 1945 Constitution Model legal empowerment of women through policy Building a Healthy Community Movement (Gerbangmas) Welfare and Dignity currently experiencing many obstacles experienced. Although in practice very giving benefits to public health. Health development in Lumajang run through movement formed Lumajang community to behave clean and healthy living. Movement Building Healthy Communities is based on Lumajang Regency Decree of 26 April 2005 Number: 188.45 / 218 / 427.12 / 2005. The decision is left to the Regent Pos integrated services in making Regents policy without rules of a general nature (regulations) resulting in life and death of community participation in this case women depending on the policy of the government. Political construction law for the future is their local regulations on the administration of health services that contain norms synergy with related agencies and based on the Standby Gerbangmas applicability philosophical foundation, overcome the weaknesses associated values of justice. Juridical grounding, giving roles and responsibilities in the community empowerment into legal norms. Sociological runway, giving the color of people's lives as a reflection of the values of Pancasila actualization in real life to the golden generation of healthy Lumajang.

**Keywords:** *Reconstruction Politics, Law, Policy Gerbangmas, the Golden Generation, Lumajang Healthy*

---

### **I. INTRODUCTION**

Health is an important aspect of human rights, as stated in the Declaration of Human Rights of the United Nations (UN) November 10, 1948. As for human rights, the right to health is the inherent right of a person because of his birth as a human being, not because provision a person or a country. As citizens of the world wherever they are, everyone is entitled to have access to health services and control of health policy concerning the interests of the people. The right to health as a basic human right to have a strong national law. 1945 Amendment 2, Article 28 H (1) states that "everyone has the right to live physical and spiritual prosperity, residing and get a good and healthy environment, right to health services". Currently, health policies undergoing a paradigm shift of approach towards the needs of rights- based approach. In addition, there are three major liabilities associated with the country's right to health, namely: the obligation to respect, obligations to protect and fulfill obligations. Pos policy as an integrated service Movement Building Healthy Community based Lumajang Regency Decree of 26 April 2005 Number: 188.45 / 218 / 427.12 / 2005, a law that serves as a "law as a tool of social engineering". This law is a good depiction of a situation faced by the analysis of assessments and determine the level of values and the measurement of the effects of the legislation in force. Gerbangmas 2007 with the completion of the effectiveness of the model of the empowerment of women through an integrated service Gerbangmas Postal Policy Welfare and Dignity must be in tune with the Ministry of Health Strategic Plan 2010-2014 is to realize the Self and Community Health Fair. With one of the translation of its mission, among others, improving public health through community empowerment, including the private sector and civil society as well as to protect public health by ensuring the availability of health efforts plenary, equitable, quality and fairness. Philosophical Problems, obstacles experienced no accommodation of the value of equity in the empowerment of women through integrated health policy Gerbangmas Standby. Value oriented vertically, the behavior patterns of human culture guided by the prominent leader, a senior person or employer in this case the village chief / village chief, sub-district and regent is contrary to the cultural community to develop an attitude of mutual assistance. Problema juridical, legal empowerment of women through the model of integrated health policy Gerbangmas Standby legally does not have a strong holding capacity because it depends on the will of regional leaders. Whereas community togetherness as social capital is embedded in strong. Problema sociological, where Gerbangmas Siaga (1,500 Posyandu Mandiri) is a potential to empower

communities to increase the degree of public health in order to achieve the golden generation. But in motion implementation is very influenced by the implementation guidelines and technical guidance in the form of manuals that must be adhered included in the budget reporting. Problema juridical, legal empowerment of women through the model of integrated health policy Gerbangmas Standby legally does not have a strong holding capacity because it depends on the will of regional leaders. Whereas community togetherness as social capital is embedded in strong. Problema sociological, where Gerbangmas Standby (1,500 Posyandu Mandiri) is a potential to empower communities to increase the degree of public health in order to achieve emas. Namun generation in motion implementation is very influenced by the implementation guidelines and technical guidance in the form of manuals that must be adhered included in the budget reporting. Resistance in the interaction do arise given the approach is top-down approach through Gerbangmas policy is reflected in the principles of Pancasila. Post Policy Gerbangmas need mixed the model of an ideal approach for the community for the creation of Gerbangmas Welfare and Dignity in Lumajang, not just policies but need an umbrella law to reconstruct the politics of law in the form of local regulation that have a connective good wide community institutions, agencies and budget needed reflect the aspirations of the people of Lumajang in empowering women with little chance for the golden generation of Lumajang Health. From the explanation given by the formulation of the problem is how to build political construction law to provide legal protection for women in order to support the Standby Gerbangmas golden generation Lumajang Healthy?

## **II. LITERATURE REVIEW**

### **Theory of Legislation**

Law as a system requires a harmonious relationship and integration with other legislation. Likewise with the preparation of the draft Regional Regulation on the Implementation of Health Services should pay attention to: 1) synchronization of law, and 2) the harmonization of laws in legislation, both the legislation that is on it (harmonization of vertical) and the related regional regulation (harmonization horizontal).

According to the theory Stufenbau as the theory of the legal system by Hans Kelsen states that the legal system is a system of stairs to the rules of tiered where the legal norms of the lowest had to hang on legal norms are higher, and the rule of law is supreme (as the constitution) should hold on the most fundamental legal norms.

Furthermore, in this theory, politics of law contained in the legal norms basic (verfassungsnom) that can be further elaborated in the legislation (gesetzgebungnom) where the norms of law are common and binding on all citizens, it is also followed by Article 7 paragraph (1) of Law Number 12 Year 2011 on the Establishment Regulation Legislation in the following states:

Types and hierarchy of legislation consists of:

- a. Constitution of the Republic of Indonesia Year 1945;
- b. People's Consultative Assembly Decree;
- c. Law / Government Regulation in Lieu of Law;
- d. Government regulations
- e. Presidential decree;
- f. Provincial Regulation; and
- g. Regulation of the Regency / City.

According to Maria Farida Indrati Furthermore, the term legislation (legislation, wetgeving, or gesetzgebung) has two different senses, ie:

1. Legislation is a process of forming / shaping process state regulations, both at the central level and at the regional level.
2. Legislation is all state regulations, which is the result of the establishment of regulations, both in the Central or Local Level.

### **Community empowerment**

The concept of empowerment is an alternative concept of development of development that essentially puts pressure on the decision-making autonomy of community groups that are based on private resources, directly (through participation), democracy and social learning directly.

Community life began to require their legal order to serve and meet the needs of the community are expected to align with the position of other communities that have been advanced. The role played by women through Gerbangmas as community empowerment movement are integrated in various sectors with IHC as a base of activities to realize Alert Village, the Village Health and Healthy Lumajang.

### III. DISCUSSION

#### **Existence Gerbangmas Policy Alert**

Health development in Lumajang as one integral and inseparable part of the Republic of Indonesia, as well as the elaboration of national development, it continues to try to get used to this citizens to always behave in a healthy life. It is not separated by Tri Success Program Plus ie Agriculture, Health, Education, Tourism and Small and Medium Enterprises.

Government Lumajang serious effort shown by the determination of vision and mission to support health programs. In the Medium Term Development Plan (RPJMD) Lumajang have described the development vision of Lumajang is to "Realization of Public Lumajang as a prosperous and dignified as well as through the mission of its priority Improving Quality of HR Religious, Intelligent, Creative, Innovative and Moral through Enhanced Quality of Service Education, Health and Religious Guidance ", so one of the priorities of development policy Lumajang years 2015 - 2019 is to increase community access to quality health care that the programs were prioritized in the context of health development in Lumajang.

An understanding of the vision statement implies a dynamic synergy between the community, local governments and all stakeholders in realizing the construction of an integrated Lumajang. In philosophy this vision can be described by the meaning contained in it, namely:

- 1) Improving the welfare of the community through economic development for areas with natural resource use environmentally sound, creating a conducive business climate, as well as improving the knowledge and ability of economic agents.
- 2) Improving dignified society through improved governance good with increased human resources and professionalism of personnel.
- 3) Improve the quality of life through increased religious life, the quality of education, treatment and eradication of poverty.

Movement to shape society Lumajang to behave clean and healthy living through Movement Building Healthy Community (Gerbangmas) based on the Decree of Regent Lumajang on 26 April 2005 Number: 188.45 / 218 / 427.12 / 2005, which proclaimed governor of East Java on March 3, 2005, the output (output ) expected is Lumajang Healthy 2007.Gerbangmas which in practice is a model of empowerment of women with the Municipality as the originator of the idea through the provision of funds sharing until the year 2007 to 700 posyandu and to 1,500 posyandu level Rukun Warga (RW) in 2008 to this time to be improved, aided PKK movements are performed up to the district level throughout the villages / wards together with the relevant office. On the one hand, it was clear that the Top-Down Approach Gerbangmas is because the idea of the district government and then submitted to IHC to manage that people behave clean and healthy living. When this resistance is nothing in the interaction appear due dilalukan approach is top-down approach bahkan fluctuations in the budgeting of Rp. 10.000.000 (ten million rupiah) to Rp. 3.000.000 (three million) and in 2016 to Rp. 5.000.000 (five million rupiah). Quality Policy Gerbangmas laws that are power relations are vertical all rely political will. It is unfortunate when the then exploited for political purposes, especially officials with regard to the local elections because the number of cadres and members throughout the district Lumajang.

Movement to shape society Lumajang to behave clean and healthy living through Movement Building Healthy Community (Gerbangmas) based on the Decree of Regent Lumajang on 26 April 2005 Number: 188.45 / 218 / 427.12 / 2005, which proclaimed governor of East Java on March 3, 2005, the output (output ) expected is Lumajang Healthy 2007.Gerbangmas which in practice is a model of empowerment (empowerment) of women with the Municipality as the originator of the idea through the provision of funds sharing until the year 2007 to 700 posyandu and to 1,500 posyandu level Rukun Warga (RW) in 2008 to this time to be improved, aided PKK movements are performed up to the district level throughout the villages / wards together with the relevant office. On the one hand, it was clear that the Top-Down Approach Gerbangmas is because the idea of the district government and then submitted to IHC to manage that people behave clean and healthy living. When this resistance is nothing in the interaction appear due dilalukan approach is top-down approach bahkan fluctuations in the budgeting of Rp. 10.000.00 (ten million rupiah) to Rp. 3.000.00 (three million) and in 2016 to Rp. 5.000.000 (five million rupiah). Quality Policy Gerbangmas laws that are power relations are vertical all rely political will (political will). It is unfortunate when the then exploited for political purposes, especially officials with regard to the local elections (elections) because the number of cadres and members throughout the district Lumajang. Though the objective of social relations that have developed between IHC Gerbangmas and community or household is a horizontal power relations with the bottom-up approach in which each has the same status and rights. Associated with the proposed LM Friedmann that "A legal system in actual operation is a complex organism in the which structure, substance and cultur berinteraksi," which means that the law as a system in its operations has three interacting components, namely: the structure, substance and culture.

Further stated three (3) principal component in law enforcement efforts in this regard Gerbangmas Standby policy, namely:

1) The substance, according to Friedmann is the rules used by the perpetrators of law when performing legal acts and legal relations. Rules, norms and behavior patterns of a real human being in the system and the resulting product of people who are in the legal system that includes the decisions they have to spend, the new rules that they set, the laws of life and not just the existing rule of law in books. In that regard, in assessing the effectiveness of the substantive law that essentially rests on:

- a) Product legislation is largely a foreign product.
- b) The presence of some of the legislation, especially the principal laws that have not had a rule execution.
- c) The substance of legislation overlap one another, giving rise to differences in interpretation between the law enforcement apparatus.
- d) There is the substance of the legislation that still seems to put the interests of the government is too big.

Associated with Article 7 (1) of Law Number 12 Year 2011 on the Establishment Regulation Legislation, the existence of policies Gerbangmas standby power in the qualification binding decisions is limited and not qualifying law, let alone have not been framed in local legislation that became the legal basis. Although in the elucidation of Article 1 paragraph 2 of Law No. 5 of 1986 on State Administrative Court:

Regulations by-laws and regulations are all rules that are binding in general which is issued by the representative body of the people and the government, both at the central level and at the regional level, as well as all decisions of bodies or officials TUN, both at central and local level are also binding general. Rule Per-uu-an is composed of:

1. Law / local regulations.
2. The decision of the government / local government.

Thus the existence of Regents policy relating Gerbangmas policy is political in nature, without legal basis in local legislation was feared in the long term be changed at the will of the Regent Lumajang.

2) The structure, a pattern that shows how the law was carried out under the terms of its formal. The scope of the structure is in the field of law enforcement officers in this case the role of government. Gluckman as quoted by Much. Munir stated that the dispute is a phenomenon that is universal juridical that always arise in every area of people's lives wherever, in any time. The existence of local knowledge through Gerbangmas Standby with the cadre of highly controlled by the government as a manifestation of legal centralism structures still exist today. Latitude governments make policy or discretion without regulation of a general nature (regulations) resulting in life and death of community participation in this case the woman is highly dependent of its intention.

3) Legal culture, a human attitude towards the law and the legal system of beliefs, values and expectations of thought. Legal culture in the form of the attitude of mutual cooperation of the community in improving health status as the atmosphere of social thinking and social forces that determine how the law is used, avoided or misused. Horizontal legal culture that equality between human relations, is more concerned with the horizontal relationship between man and his fellow. People in a similar culture will feel dependent on each other, and efforts to maintain good relations with neighbors and each other is a matter that is considered very important in life. The principle pillar aims to keep people in a state of harmony, in a state of harmony, calm and peaceful, without disputes and conflicts and help each other.

### **Political Construction Law Alert Gerbangmas**

Recognizing the weakness of Movement Building Healthy Community (Gerbangmas) based on the Decree of Regent Lumajang on 26 April 2005 Number: 188.45 / 218 / 427.12 / 2005, in carrying out the main mission of organizing society is the empowerment of people (as an agency) to engage directly or indirectly in the creation structures, systems and regulatory practice of social life more just and human through: a). awareness, b) organizing, c) regeneration, d) technical support, and e) the management of the system. Thus as understood L. M. Friedman, the entirety of the general behavior in the society and values in society will determine how the law should prevail in society .Opsi local regulations that protect the public participation is the best choice for sustainability Gerbangmas Standby.Construction law politics ahead to the theory of law to distinguish between three kinds of grounding the enforceability of the regulations as rules, that the enforceability of a philosophical grounding, grounding applicability of sociology and enforceability juridical foundation, the existence of local regulations are expected to have a solid foundation as follows:

a) Basis Philosophical, a judgment or reasons illustrate that the rules established to consider the views of life, consciousness, and the ideals of law which includes the atmosphere of mysticism and philosophy of the nation Indonesia sourced from Pancasila and the Preamble to the Constitution of the Republic of Indonesia Year 1945. Local regulations which is expected to overcome the weaknesses related to the values of justice implementation Gerbangmas Alert for this.

b) Basis of Juridical, a judgment or reasons illustrate that the rules established to deal with legal issues or fill a legal vacuum by considering the existing rule, which will be changed, or that will be revoked to ensure legal certainty and a sense of justice. Local regulations that accommodate Gerbangmas standby in the form of giving roles and responsibilities in the community empowerment into legal norms, it will make Gerbangmas Standby become strong position.

c) Basis of Sociological, a judgment or reasons illustrate that the rules established to meet the needs of the community in various aspects. The cornerstone of the real sociological facts about developments regarding the problems and needs of society and the state. Standby Gerbangmas existence with all the activities in it which obviously gives color to people's lives as a reflection of the values of Pancasila actualization in real life that is constantly evolving. Gerbangmas implementation is still a paradigm shift initially be top down bottom up top down but a more dominant role, so it is a form of pseudo participation. Legal political construction of draft local regulations on the administration of health services directed towards community empowerment through choice that Gerbangmas Standby got a large proportion of both related duties and authorities participating in public health in order to realize the golden generation of healthy Lumajang. By reviewing components of the legal structure, the substance of the law and legal culture as a system of law, it can be observed how a legal system (local regulations) will work in the community, or how the legal systems in the context of legal pluralism interact in some areas of social life certain. The local government (legislators) should make clear rules regarding the authority Gerbangmas in the form of strengthening community based law that emphasizes empowerment full and functions of local government as a facilitator by providing a standard LP3S that better reflects the innovation indicators of achievement wider and support the achievement of the golden generation in Lumajang character. In addition, the strengthening of the system of rules in the form of the decree or regulation, the rule of law will be achieved.

#### **IV. CONCLUSIONS AND RECOMMENDATIONS**

Health development in Lumajang through movement formed to build a healthy society to behave clean and healthy living through Movement Building Healthy Community (Gerbangmas) based on the Decree of Regent Lumajang on 26 April 2005 Number: 188.45 / 218 / 427.12 / 2005, which proclaimed governor of East Java on 3 in March 2005, is a Top-Down Approach for the idea of the district government and then submitted to IHC to manage that people behave clean and healthy living. Keleluasaan governments make policy or discretion without regulation of a general nature (regulations) resulting in life and death of community participation in this case the woman is highly dependent of its intention. Legal political recommendation for the future is their tenatng local regulation of health services which contain the norm in synergy with relevant agencies and departments or Standby Gerbangmas based applicability philosophical foundation, the local regulations are expected to overcome the weaknesses related to the value of justice. The cornerstone of Juridical, Gerbangmas accommodate standby in the form of giving roles and responsibilities in the community empowerment into legal norms. Sociological runway, all the activities in it which obviously gives color to people's lives as a reflection of the values of Pancasila actualization in real life evolving towards Lumajang healthy golden generation.

#### **REFERENCE**

- [1] Friedman, L.M. 1986. *Legal System : A Social Science Perspective*, Russel Foundation, New York
  - [2] Kelsen, H. 1995. *Teori Hukum Murni : Dasar-dasar Ilmu Hukum Normatif Sebagai Ilmu Hukum Empirik- Deskriptif*, Somardi (Terj.), Rindipress, Bandung
  - [3] Maria Farida Indrati Soeprato, 1998. *Ilmu Perundang-Undangan Dasar-Dasar Pembentukannya*, (Yogyakarta : Penerbit Kanisius)
  - [4] ----, 2013. *Ilmu Perundang-undangan Jilid 2 (Proses dan Teknik Pembentukannya)*. (Jakarta: Kanisius)
  - [5] Much.Munir, 1997. "Penggunaan Pengadilan Negeri Sebagai Lembaga untuk Menyelesaikan Sengketa dalam Masyarakat, Kasus Penyelesaian Sengketa yang Berkaitan dengan Tanah dalam Masyarakat di Kabupaten Bangkalan, Madura", *Disertasi* Doktor Universitas Airlangga.
  - [6] *Panduan Advokasi Kesehatan*, 2014 (Jakarta: Kemenkes RI).
  - [7] Satjipto Rahardjo, 1977. *Hukum dan Masyarakat*, (Bandung: Angkasa)
  - [8] "Suar", *Warta Komisi Nasional Hak Asasi Manusia* No. 02, Vol. 08 Tahun 2007.
- a. [www.komnasperempuan.ac.id](http://www.komnasperempuan.ac.id).

#### **Peraturan Perundang-undangan :**

- UUD 1945;
- UU No. 32 Tahun 2004 tentang Pemerintahan Daerah (Diubah UU No. 23 Tahun 2014);
- UU No. 23 Tahun 1992 tentang Kesehatan;
- Keputusan Bupati Lumajang tanggal 26 April 2005 Nomor: 188.45/ 218/427.12/2005 tentang Pelaksanaan Gerakan Membangun Masyarakat Sehat di Kabupaten Lumajang;
- Keputusan Bupati Nomor: 188.45/219/427.12/2005 tanggal 2 Mei 2005 tentang Pembentukan Tim Pembina dan Pelaksana Gerbangmas Kabupaten Lumajang.