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The crime of abortion of the unborn child examined through the perspective of human rights in Indonesia

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Abstract

Legal arrangements for crimes or criminal acts of abortion on things that are allowed to do abortion in Law No. 36 Year 2009 on Health is not firm and raises multiple interpretations. This research uses normative juridical research based on secondary data sources, especially the Health Law and then analyzed qualitatively. The author concludes, first, the legal arrangements for criminal offenses of abortion if examined from a human rights perspective regarding the things that are allowed in abortion there is uncertainty regulated in the Health Law and its implementing regulations, namely Government Regulation No. 61/2014 on Reproductive Health. In the legislation only regulates the "abortion can be done before the pregnancy is 6 (six) weeks calculated from the first day of the last menstruation" there is no formulation "for the fetus that is not yet alive". Second, in the Health Act, especially Article 76 letter (a), it is necessary to reconstruct the legal arrangements for the crime of abortion that aborts the pregnancy later than six weeks. Changes and / or improvements need to be made by emphasizing the formulation of norms governing the conditions for abortion to be added to the phrase for the lifeless fetus because it is deemed inappropriate and does not reflect the principle of legal certainty.

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Introduction

The law regulates the crime of abortion, which has yet to be clearly defined. But only regulates the prohibition and permissibility of abortion. However, in the Criminal Code in Article 346 mentioned, the abortion of the womb by a woman or told to do by others can be punished by imprisonment. Furthermore, Article 347 Paragraph 1 of the Criminal Code briefly mentions for anyone who aborts or kills the fetus or womb, without consent can be punished. Based on these two provisions, it can be interpreted that the act of abortion is an act of killing or nullifying the womb of a woman who is planned by herself and / or her own will or by others with the will concerned or without his knowledge. It can be simplified again that abortion is an activity to abort or terminate the pregnancy (Suputra & Parwata, 2020:2) ^[17].

In general, abortion is the act of removing a fetus or embryo from the body so that the fetus or embryo that will live to become a baby / human can be thwarted or pregnancy that is canceled by the woman. In medicine, abortion is defined as the product of conception in the body that exits unnaturally from the abdomen through the uterus. Abortion called miscarriage can occur intentionally or unintentionally. While abortion that occurs intentionally is called abortus provocatus (Rochayati, 2018:78) ^[15]. While abortion according to experts, Holmer defines abortion as the termination of pregnancy before 4 months, unfinished placentation process. (Susanti, 2012:295) ^[18]. According to Marjorie Jeffcoat, said abortion before the age of 6 months has been the release of conception, ie fetus is not yet viable by law (feasible according to law). And according to N.J. Eastman abortion is the termination of pregnancy because the fetus is not bearable outside the uterus continuously. This indicates the weight of the fetus is in the range of 0.4 kilograms to 1 kilogram.

However, the Criminal Code contains provisions on abortion in general terms. There is no explanation of the continuous explanation of abortion. In lex specialist regulated abortion is Law Number 36 Year 2009 on Health (Health Law) in Article 75 paragraph (1) "every person is prohibited from performing abortion." Furthermore, in Article 75 paragraph (2) The prohibition

referred to in paragraph (1) may be excluded based on:

1. Indications of medical emergencies detected early in pregnancy, either threatening the life of the mother and/or fetus, suffering from severe genetic diseases and/or congenital defects, or which cannot be repaired so that it makes it difficult for the baby to live outside the womb; or
2. Pregnancy resulting from rape which can cause psychological trauma to the rape victim.

Abortion can be excluded again in Article 76 of the Health Law states abortion as in Article 75 can only be done:

- a. before the pregnancy is 6 (six) weeks old calculated from the first day of the last menstruation, except in the event of a medical emergency;
- b. by health workers who have the skills and authority to hold a certificate stipulated by the minister;
- c. with the consent of the pregnant woman concerned;
- d. with the husband's permission, except for victims of rape; and
- e. qualified health service providers as determined by the Minister.

According to the explanation above, the Health Act aims to show legal arrangements aimed at preventing the crime of abortion and illegal abortion practices. Thus, the Health Act is directed at giving birth to a new generation that can advance the nation's generation of hope or a person's right to remain alive in line with the 1945 Constitution (UUD 1945) Article 28 A states "everyone has the right to life and the right to defend his life and life".

However, the construction of the regulation for the perpetrators of the crime of abortion of the lifeless fetus in the Health Act still does not seem to be firmly regulated in the case of exceptions allowed to perform abortion and in its application there are differences in interpretation and can be assumed to be different. The legal construction of the Health Act does regulate the exceptions allowed to perform abortion with the reasons set out in Article 75 paragraph (1) and Article 76. However, these rules do not expressly regulate the phrase lifeless fetus.

The legal construction of Health Law Article 76 letter (a) states that abortion can be done if "before the pregnancy is 6 (six) weeks old calculated from the first day of the last menstruation." Indeed, the explanation of this Article of the Health Law is clearly stated. However, the provision is considered inappropriate if it regulates such as the phrase "six weeks" which means that if calculated to be 1 ½ (one and a half) months or for 42 (forty-two) days. Because in practice it cannot be used as strong enough evidence in calculating the period or age of one's pregnancy. Likewise, the results are sometimes different regarding the calculation of a woman's gestational age, both from calculating from the first day of the last menstrual period (HPHT) with the results of Ultrasonography (USG), which is a procedure for taking pictures of certain body parts (Rizal Fadli, 2022) ^[14]. It cannot be ascertained the truth or accuracy of the calculation, because it can be influenced by several factors such as forgetting the date of menstruation, irregular menstrual cycles, and the determination of menstruation varies not only in 28 days. So it is more advisable to use the ultrasound method to calculate the gestational age (Vera, 2022). So, regarding this matter, the provision of Article 76 letter (a) of the Health Law which suggests calculating using HPHT also

has vagueness in its application, because it can lead to different interpretations.

Likewise, if examined from the perspective of human rights, we can find provisions that regulate several rights of a person. One of them is in the provisions of Article 28 A of the 1945 Constitution j.o Article 9 paragraph (1) of Law Number 39 of 1999 concerning Human Rights, it is stated that "everyone has the right to live and the right to defend his life and life" or "the right to life for everyone".

If it is related to the act of abortion, if someone who aborts or kills the womb is prohibited in the Health Law depending on some exceptions. A person can be said to kill if fulfilled in some elements of murder. As with murder in the formulation of article 388 of the Criminal Code, it is stated that anyone who commits murder of another person, then the legal consequences are punishable by imprisonment for a certain time. In order for the elements of murder to be fulfilled in this case, there must be another person's life that is deprived or killed.

There is a perception that if the life in the fetus of a woman's womb is lifeless or in the middle of being lifeless or not yet alive, then someone who is pregnant is trying to abort or abort the pregnancy will be charged with Article 194 of the Health Law stated, "Every person who intentionally performs abortion not in accordance with the provisions referred to in Article 75 paragraph (2) shall be punished with a maximum imprisonment of 10 (ten) years and a maximum fine of Rp1,000,000,000.00 (one billion rupiah)." And also referred to the general murder contained in Article 388 of the Criminal Code described above.

But in reality a woman cannot be said to have taken someone's life in this case her own womb, and also deprived someone of the right to life as regulated as a person's human rights. Because the aborted fetus or pregnancy is lifeless or not yet alive. On this basis, the indecisiveness of the formulation of norms in Article 75 in terms of "indications of medical emergencies detected early in pregnancy and pregnancy due to rape" as well as Article 76 letter (a) of the Health Law as has been stated, which has an impact on the fact that someone who commits the crime of abortion can not necessarily be punished or prosecuted just because by using the argument or phrase "before six weeks of pregnancy" and also in terms of human rights perspective.

The author believes that there are still weaknesses in the regulation and provisions regarding the criminal offense of abortion of the lifeless fetus in the Health Law. Therefore, it is urgent to reconstruct the regulation related to exceptions that allow abortion in Article 76 letter (a) of the Health Act. Based on the background exposure, this paper will formulate several problem formulations, including, first, how is the legal regulation for criminal abortion crimes in the perspective of human rights? (*ius constitutum*) And second, how is the legal regulation for criminal abortion crimes against the unborn fetus studied in the perspective of human rights should be in the future? (*ius constituendum*).

As a differentiator and in order for there to be novelty about this research, it is necessary to compare with previous research in order to find similarities and differences in the discussion of the act or act of abortion. *First*, research conducted by Linda Firdawaty in 2017 examines "Abortion in the Perspective of Human Rights and Islamic Law (Analysis of Government Regulation No. 61 of 2014 concerning Reproductive Health)". The study concluded that abortion for victims of rape, can be done if it can be proven

that it is true as a victim of rape and get a certificate from a doctor, investigator, and psychologist. And according to human rights abortion for rape victims can only be done to protect the life of the fetus and mother (Fidawaty, 2017:127)^[7]. *Second*, research conducted by Budiyanto and Siti Ngainur Rohmah in 2020 examines the "Analysis of Abortion Action Against Law Number 39 of 1999 concerning Human Rights". The study describes that a fetus that has been conceived by a woman has the right to live regardless of the age of the fetus (Budiyanto, 2020:810-811). And *third*, research conducted by Lilis Lisnawati, Mirra Noor Milla and Dicky C. Pelupessy in 2019 examined the "Urgency of Abortion Policy Change in Indonesia". The study outlines that the regulation of the position of women who experience unwanted pregnancies as parties who hold full authority over their decision to have an abortion or not (Lisnawati, etc., 2019:35)^[10]. Regarding these previous studies, of course some of them are antithetical to this research. Because there are contradictory opinions and found new understanding and study by the author.

Method

The type of research used in this research is normative legal research, namely research on norms that start from the existence of normative vagueness (Diantha, 2016:12)^[2]. This research focuses on the vagueness of the norms of Article 76 of the Health Law. Therefore, normative legal research uses primary legal materials, especially the Health Law. Furthermore, secondary legal materials are obtained from books or other literature such as articles and journals.

Furthermore, the research approach in this study uses a statute approach and conceptual approach. This research is descriptive, which means making a systematic description (Suryabrata, 2018:75-76)^[4], in this case, the laws that regulate the crime of abortion against the lifeless fetus, especially in the Health Law, how the law will be proposed next. And this research is prescriptive because there are proposals in it and will be analyzed qualitatively (Amiruddin & Asikin, 2016:175)^[1].

Results and Discussion

Legal Arrangements for the Crime of Abortion

Provisions that regulate a person committing the crime of abortion, in the act that can be excluded, namely for the fetus that is not yet alive, in substance, is not found in the Health Act or its implementing regulations. In addition to these provisions, the legal basis for the act of abortion according to the Criminal Code, among others:

1. **Penal Code:** Any woman who with deliberate intent causes a miscarriage or procures another person to do so shall be punished by a maximum imprisonment of four years.
2. Article 347 of the Penal Code: (1) Any person who intentionally terminates the pregnancy of a woman without her consent shall be liable to imprisonment for a term of twelve years. (2) If the woman dies as a result of such act, he shall be sentenced to a maximum imprisonment of fifteen years.
3. Article 348 of the Penal Code: (1) Any person who intentionally terminates the pregnancy of a woman with her consent shall be punished by imprisonment for a term of five years and six months. (2) If the woman dies as a result of such act, he shall be sentenced to a maximum imprisonment of seven years.

4. Article 349 of the Penal Code: If a physician, midwife or druggist assists in the commission of the crime described in Article 346 or commits or assists in the commission of one of the crimes described in Articles 347 and 348, the sentences laid down in said Articles may be enhanced with one third and the right to engage in profession at the place of the crime may be deprived.
5. Article 55 (1) of the Criminal Code: According to Article 55 (1), a person is deemed to be a dader of the following criminal acts: First, those who commit, cause to commit, and participate in the act; second, those who by giving or promising something by abuse of power or dignity by force or deception; or third, those who intentionally encourage others to commit the act by providing opportunities, means, or information.

The above descriptions of abortion in the Criminal Code do not leave any room for a woman to have an abortion. Because there is no other alternative to provide safe reproductive health technology that can reduce the risk of death of pregnant women (Mulyana, 2017:144)^[11]. The Criminal Code also describes abortion as a crime against humanity, and the subject of the law includes a woman who performs abortion (plegen), such as doctors and anyone else who orders to do (doen plegen), helps to do (mede plegen) and who encourages doing (uitlokking).

The Criminal Code also contains several meanings of punishable and non-punishable abortion. Abortions are performed intentionally or unlawfully and unintentionally or not unlawfully. Unintentional or accidental abortions are defined as abortions that are not against the law. While the aborted pregnancy can have legal consequences and is intentionally done, namely the act of violating the rules of law in other words abortion with unlawful actions (can result in imprisonment according to the Criminal Code). The law actually prohibits abortion (Pandamdari etc., 2022:7)^[13].

As stated at the beginning of the paper, the legal basis for the crime of abortion is in the Health Law, especially Article 75 and Article 76. In both articles, it is said that all people are prohibited from performing abortions, and furthermore can only be excluded by indications of medical emergencies found in the early stages of pregnancy, such as life-threatening to the mother and / or fetus, caused by severe genetic diseases or congenital defects that cannot be repaired, which makes survival of the baby difficult or pregnancy caused by rape, which can cause psychological trauma for rape victims.

Abortion can be excluded again in Article 76 of the Health Law states abortion as in Article 75 can only be done:

- a. before the pregnancy is 6 (six) weeks old calculated from the first day of the last menstruation, except in the event of a medical emergency ;
- b. by health workers who have the skills and authority to hold a certificate stipulated by the minister;
- c. with the consent of the pregnant woman concerned;
- d. with the husband's permission, except for victims of rape; and
- e. qualified health service providers as determined by the Minister.

As stipulated in Article 75 paragraph (2) in point (b), that pregnancy caused by rape can cause mental disturbance to someone who is a victim of rape. The crime of rape is a

relatively serious criminal offense because Article 285 of the Criminal Code is punishable by twelve years imprisonment. Because it is currently talking about the reasons for psychological distress, it should be used as an exception in performing abortion, and this point can support legal abortion, (Wulandari, 2019:204-205) ^[21] other than what is the focus of this research.

Furthermore, in the case of vagueness of norms in one of the articles in the Health Law, it can result in a gap in the vacancy of the norm as a result of the vague norm. This discussion not only describes the regulations regarding the actions and/or prohibitions of abortion, but also focuses on the core of this discussion, namely related to exceptions to abortion. As regulated in Articles 75 and 76 of the Health Act.

In the Health Law and its implementing regulations, namely Government Regulation No. 61 Year 2014 on Reproductive Health (PP Reproductive Health), the rule of law for the perpetrators of the crime of abortion in the exceptions that allow abortion is not regulated and mentioned explicitly by using the phrase "against the fetus that is not yet alive". The regulation in the law only regulates and uses 2 (two) elements of the formulation in the provisions of Article 76 letter (a) of the Health Act, namely "before six weeks of pregnancy" and "calculated from the first day of the last menstrual period, except in the event of a medical emergency". These provisions still indicate the existence of norm ambiguity, legal uncertainty that can lead to multiple interpretations in its application.

Legal Arrangements for the Crime of Abortion of the Unborn Child in the Perspective of Human Rights in the Future

The affirmation of the legal regulation of abortion, has been reviewed previously that there are 2 (two) kinds of abortion, namely abortion against the law and not against the law. Against the law itself is usually defined as an act that violates the law and / or provisions of legislation (Hadi, 2018:103-104). Meanwhile, abortion that is not against the law is an abortion that can be punished as abortion is regulated in the provisions of the law. And abortion against the law is abortion that has not been regulated in positive legal rules such as the legalization of abortion in the case of indications of rape or unwanted pregnancy and for abortion of "lifeless fetuses".

Related to the principle of criminal law, namely *Geen straf zonder schuld, actus non facit reum nisi mens sit rea*, that no punishment can be imposed if there is no fault. The meaning of guilt is freely based on what is implied by criminal liability. The term "criminal offense" simply means that it is against the law and punishable by penalty. Whether or not the person who committed the act will also face the punishment threatened will depend largely on whether or not the person who committed the act is also guilty (Apriani, 2019:45) ^[5].

This is closely related to the theory of legal certainty, because a person must first be found guilty in order to be held criminally responsible. And whether a person is declared worthy of punishment for the wrongdoing committed, in the context of the uncertainty of the applicable law with what is alleged.

Indonesia has positioned itself as a state of law, in accordance with Article 1 paragraph (3) of the 1945 Indonesian Constitution. Indonesia is a state of law with four main principles. They are the principle of legal certainty (*het rechtszekerheidsbeginsel*), the principle of equality (*het*

gelijkeheidsbeginsel), the principle of democracy (*het democratische beginsel*), and the principle of government established to perform public services (*het beginsel van de dienende overheid, government voor de mensen*) (Hudiata, 2017:302) ^[9]. One of the most important principles in building the legal structure in Indonesia is the principle of legal certainty.

The development of modern law by Gustav Radbruch which suggests 3 (three) basic values of law or the purpose of the law itself includes justice (philosophical), expediency (sociological) and one of them is also legal certainty (juridical) (Muslih, 2017:143). The legal certainty that wants to be realized is certainty in terms of justice to citizens and is also realized by judge decisions that are in accordance with the law (Muslih, 2017:147-148) ^[12].

Meanwhile, Satjipto Rahardjo provides the meaning of legal certainty by providing several points or notes in outline, namely, as follows: (Tohadi, 2022:183)

- a. The law is said to be positive, namely the law;
- b. The law is not about judgment, but rather refers to truth or facts;
- c. in looking at the facts, must be carried out correctly in order to avoid mistakes;
- d. rules should not be changed frequently.

In looking at the theory stated above, in the provisions of Article 76 letter (a) of the Health Law and its implementing regulations, namely the PP on Reproductive Health, there is a gap in the vagueness of the norms, causing legal uncertainty. Although the formulation is clear in sentence and substance, it is less relevant in its implementation, causing confusion in its application. This formulation makes it vague and causes multiple interpretations, namely in Article 76 letter (a) of the Health Law mentioned in Article 75, abortion is allowed if "before the pregnancy is 6 (six) weeks calculated from the first day of the last menstrual period, except in the case of medical emergencies".

Continuing the matter, it can be linked or juxtaposed with legal certainty according to Satjipto Rahardjo, at point (b), namely the law must be based on facts, namely in the formulation of article 76 letter (a) in the phrase "using the day of menstruation" it is difficult to find the truth, according to one doctor saying that the use of these calculations is less relevant and difficult to find facts on gestational age, ultrasound (USG) should be used to be more accurate. In point (c), the fact must be easy to carry out, meaning that in the application of the field or when the law is used, it can run in accordance with what is intended (*ius constituendum*) so that it does not cause errors. And at point (d) that the rules should not often make changes, which means that as long as they are relevant to the life of their time, there is no urgency to make changes or changes. This means that the Health Law must wait to be amended when there is no legal expediency and it is not relevant to its time.

In Article 76 letter (a) of the Health Law, there are 2 (two) main elements in the sentence of the article, namely, "before the pregnancy is 6 (six) weeks old" and "calculated from the first day of the last menstruation". From these elements mentioned earlier, there is an indication of a vague norm that can lead to several interpretations. The interpretations that can arise are, first, as an example of a woman who performs an abortion of pregnancy under six weeks, whether what is meant in the article can perform abortion independently or must be under certain conditions. This is because the

explanation does not elaborate on the meaning. Secondly, when it comes to trial evidence, counting days in abortion cases is irrelevant. Especially using the calculation of the first day of the last menstruation. Each person has a different menstrual cycle and it is not accurate to calculate the gestational age. In medical science as well as what was conveyed by one of the doctors who said that calculating the age of pregnancy with the calculation of the first day of the last menstruation is not accurate, ultrasound should be used. Therefore, it is very difficult to apply because legally legal certainty is prioritized in the formulation of articles to be applied in legal proceedings.

In terms of law and life, the issue of abortion focuses on the right to life, the dilemma of whether to apply the law or to trust the customary norms of life. Article 28A of the 1945 Constitution states that "every person has the right to life and the right to defend life and life". It is also related to Article 4 of Law No. 39/1999 on Human Rights that the right to life is a human right that cannot be reduced under any circumstances and by anyone. The right to life is the most basic human right for every human being and is final, that the right to life is the most important right, if there is no right to life then there are no issues in other human rights. The existence of human rights is a concept that is in principle inherent in human existence and life, and at the same time becomes the subject of law (Sukedi, 2020:196) ^[16], in relation to abortion activities and involves the right to life of a person. Talking about the right to life, if it is associated with abortion, the question will arise whether abortion is allowed because it is essentially concerned with the right to life of a person? Is it from the moment of conception or when a baby is born as a human being? In practice, this has become a very controversial issue and has never been answered. In line with the case of euthanasia, international instruments do not clearly regulate the matter and abortion (Zulfa, 2015:22) ^[22]. Given the above issues, some other countries allow and support the right to abortion. The countries that legalize abortion include Singapore, Vietnam, France, Russia, Sweden, the Netherlands, Canada, the United States and Norway. As for most of the reasons in providing abortion policy, because it holds with 4 (four) major patterns include the following: (Lisnawati, etc., 2019:30-32) ^[10] *First*, prioritize the protection of women's lives (*to saave woman's life or prohibited altogether*), second still prioritize the protection of women, but still prioritize the mental health of women (*to reserve health*), third, prioritize the interests of women above all including the freedom to have an abortion with some requirements (*socio economic grounds*), the fourth or the last pattern is to prioritize freedom in any case that will be done by women (*without restriction as to reason*).

Based on these patterns, the implementation of abortion in the without restriction as to reason pattern is a policy that prioritizes the interests of women above all else without any restrictions to determine their own decision in terms of aborting their fetus.

Regarding the comparison of the provisions of several countries on the legalization of abortion, the author in terms of addressing the act of abortion does not fully agree on the legalization of an act. But suggestions or opinions regarding the reformulation of the rearrangement of the Health Act to add provisions for the exception of the permissibility of abortion only on the fetus that is not yet alive.

In line with these matters, reinforced also by the views of Eddy O.S. Hiariej in his book entitled "Principles of Criminal

Law" (Hiariej, 2016:103) ^[3], in the form of views or legal concepts affirmed that "abortion is punishable only against the fetus or fruit of the womb that has been alive and not against the fetus or fruit of the womb that has not been alive". Because based on the provisions of the Criminal Code contained in the subchapter of crimes that lead to life. Therefore, the rubrica est lex of the crime of abortion is focused on the life. This means that it must be confirmed that the deprivation of a person's life to fulfill the offense of abortion.

This affirmation can be linked back to human rights. Previously, we have talked about human rights at length and agreed that the right to life is the main right in a person's human rights. Talking about the right to life means talking about the right to life or life of a person. The opposite of one's life is one's death or a dead person.

The perception arises that do dead people have rights? What is the position of a dead person? In terms of abortion, the author perceives that a person's pregnancy or a fetus that is not yet alive, his position can be equated with a dead or helpless person. And regarding people who are not yet alive or people in a state of death, do not yet have the right to live as a description of human rights that are owned like a living human being or a fetus that is already alive.

Therefore, a solution can be given to overcome the vagueness of the norm, namely a reformulation of peengaturan on the crime of abortion. The reformulation that can be given to ensure a legal certainty in the pouring of positive legal rules regarding abortion needs to be added to the phrase "for the fetus that is not yet alive". Whether it raises a new article in the Health Act, formulated in derivative legislation (PP), and / or change or formulate the existing article in the Health Act, namely Article 76 of the Health Act.

Conclusion

The legal basis or regulation of abortion is contained in the provisions of the Criminal Code in Articles 347, 348, 349 *j.o.* 55 of the Criminal Code. In the Criminal Code there are also several meanings of abortion that can be punished and which can not be punished. Abortions are performed intentionally or unlawfully and unintentionally or not unlawfully. Accidental and unintentional abortions are defined as abortions that are not against the law. While the aborted pregnancy can have legal consequences and is intentionally done, namely the act of violating the rule of law in other words abortion with unlawful acts. Furthermore, in the Health Act which is also the core of this research that there is a blurring of norms in Article 76 letter (a) of the Health Act that abortion can be done if "before the pregnancy is 6 (six) weeks calculated from the first day of the last menstrual period, except in the case of medical emergencies".

The right to life is the most important right in human rights, but in the context of abortion can not be equated with people who have lived and born as humans. Like a fetus in a person's womb, if the fetus does not yet have a life, then the fetus cannot be said to have the right to life, and a mother who performs an abortion for it cannot be said to violate the provisions of human rights. Therefore, Article 76 letter (a) of the Health Law is deemed inappropriate and tends not to have strong legal certainty in its implementation which tends to lead to uncertainty. It is also supported by several legal concepts that precisely, the punishment for abortion only applies to the fetus or fruit of the womb that has taken life, not the one that has not taken life. Therefore, the

reformulation that can be given to ensure a legal certainty in the form of positive legal rules regarding abortion needs to be added to the phrase "for the fetus that is not yet alive". Whether it raises a new article in the Health Act, formulated in derivative legislation (PP), and / or change or formulate the existing article in the Health Act, namely Article 76 of the Health Act. And if it is true that the government strictly prohibits abortion because it takes away someone's right to life, then abortion for rape victims should not be justified either. Because it is tantamount to killing and depriving others of their right to life. And the government could consider looking for another policy, by covering the birth of the child until it is raised and placed in a decent and secure place.

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