



## ABORTION IN THE PERSPECTIVE OF POSITIVE LAW AND ISLAMIC LAW

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**Abstract:** Abortion is an act of abortion. In Indonesia, this action is prohibited, and is included in the Crimes Against Life Chapter in the Criminal Code (KUHP). Although abortion is legally prohibited, the reality is that abortions are still carried out by women for various reasons. Positive law and Islamic law have regulated the criminal act of abortion, in the Criminal Code the act of intentional abortion (*abortus provocatus*) is regulated in the second book of Chapter XIV concerning Moral Crimes, especially Article 299, and Chapter XIX Articles 346 to 349, and is classified as a crime against life. in Islamic law itself the crime of abortion is described in the Qur'an in Surah An-Nisa' verse 93, Surah Al-Isra' verse 31.

**Keywords:** Abortion; Crime; Positive Law; Islamic Law.

### 1. INTRODUCTION

In Islam it is said that the life of the fetus is a life that must be respected. Therefore it becomes an offense to abort a fetus in the womb, in this case carrying out an abortion, especially since the action was carried out without any valid reasons or confirmed by the medical team (Lestari and Suhandi, 2011, p. 74).

In Islamic law there are differences of opinion regarding abortion in the four schools of fiqh. Imam Hanafi, for example, is the most flexible school of thought in the view that before four months of pregnancy, an abortion can be performed if it threatens the life of the woman who is pregnant, the Maliki school forbids abortion after fertilization, the Syâfi'î school views that after zygote fertilization there is no may be disturbed, and intervention against it can be considered a crime, while the Hambali School firmly emphasizes that abortion is a sin, with bleeding that causes miscarriage as an indication that abortion is haram (Susanto, 2015).

When we talk about automatic abortion, we also talk about women. There are many cases out there, not only in adult women, but also in teenagers and even children. This can be justified because women are seen as perpetrators of abortion. From these facts it can be explained that in fact many women who have abortions, whether consciously or not, actually carry out this action at high risk for the health and safety of their souls and the child in their womb. Because of this, women must be given knowledge and understanding about the negative effects of abortion as well as given spiritual enlightenment so that they do not easily carry out the abortion for whatever reason, even though it is actually a reproductive right or a form of women's autonomy over their bodies. in fact, no less than 2 million Indonesian women annually have abortions due to unwanted pregnancies (KTD). The results of research by the UI Health Center and the Women's Health Foundation in 2003, found that 77% of those who had abortions were housewives who had husbands and only 12% were carried out by pre-marital girls. In a website about abortion, it is written that every year 42 million women in the world have an abortion. For example, like the case in East Java, a girl was raped by someone she just met on the Facebook social network. The victim named PTR (14 years) admitted that SK (22 years) raped her and then sold her to some of her friends on campus. PTR was not sold to SK's friends, but PTR reported the incident to the Surabaya City Police.

The issue of abortion is a controversial issue, because abortion is not only related to health problems, but is also closely related to moral ethics, religion and law. There is controversy among the scholars that is closely related to the problem of non-therapeutic abortion at the age of before 120 days. Some of them allow it, make it *makruh*, and some even forbid it. (Sari, 2013).



Given the breadth of the issue of abortion, the authors limit the discussion of abortion only within the perspective of positive law and Islamic law. Of course according to the ability of the author. With the hope that it can provide more in-depth scientific knowledge and can provide benefits as well as enlightenment for readers, especially women (Fidawaty, 2018, p. 107).

## **2. RESEARCH METHODS**

This research is a library research. What is called library research or often also called literature study, is a series of activities related to methods of collecting library data, reading and recording and processing research materials. Meanwhile, according to Mahmud in his book Educational Research Methods explains that library research is a type of research conducted by reading books or magazines and other data sources to collect data from various literature, both libraries and other places (Mahmud, 2011, p. 86).

The sources of this research are laws, books and journal articles. Data was collected through literature study and then analyzed descriptively qualitatively.

## **3. ANALYSIS OF STUDY FINDINGS**

### **3.1. Definition of Abortion**

Abortion comes from the English word abortion and the Latin word abortion. etymologically means, abortion or miscarriage. While abortion in Arabic is called ijhadh which means dropping, throwing, throwing or getting rid of. In the Big Indonesian Dictionary, abortion means the emission of an embryo that is no longer possible to live (before the fourth month of pregnancy), miscarriage or keluron, a state of cessation of normal growth (for living things), abortion (fetus) (Saifulloh, 2011). In legal terms, it means expulsion of the products of conception from the uterus prematurely (before they can be born naturally).

Its relationship with abortion, about age. has not yet reached 28 weeks, has legal significance, because the end of 28 weeks is the end of fetal survival in English law. There is a possibility of change because the development of medical technology is still a legal survival (Romli, 2011).

In medical science, abortion can be classified into two categories, namely spontaneous abortion and provocative abortion. Spontaneous abortion (occurring on its own, miscarriage), the incidence of this abortion is generally recorded at 10% -20%. Meanwhile provokartus abortion (intentionally aborted), constitutes 80% of all abortions. There is provocative abortion based on a medical diagnosis that requires the abortion of the womb. And there are also those without a medical diagnosis, that is, at the will of the mother for various reasons such as a difficult economy, too many children, extra-marital relations, rape and so on, this is called non-therapeutic abortion. Abortus provocatus is divided into two, namely artificialis or therapeu ticus, a kind of abortion is an abortion for reasons that endanger the mother's life, for example because the mother has a serious illness,

### **3.2. Types of Abortion**

Abortion / medical abortion can be divided into several types:

- a) *Spontaneous abortion*, is an abortion that occurs without preceded by mechanical or medicinal factors solely caused by natural factors. And commonly called abortion / spontaneous abortion.
- b) *Complete abortion*, (complete miscarriage) that is, all products of conception are removed so that the uterine cavity is empty.
- c) *Incopletic abortion*, (remaining miscarriage), that is, there is only a portion of the products of conception that is released, what remains is the second decim and the placenta.
- d) *Imminent abortion*, namely a miscarriage that is fatal and will occur in this case the discharge of the fetus can still be prevented by giving hormonal and anti-pasmodica drugs.
- e) *Missed abortion*, namely the condition where the fetus has died but remains in the uterus and is not expelled for two months or more.



- f) *Habitual abortion* or recurrent miscarriage, which is a condition where the patient has had 3 or more consecutive miscarriages.
- g) *Infectious abortion* and septic abortion, is abortion accompanied by genital infection.

Accidental loss of the fetus usually occurs in young pregnancies (one to three months). This can occur due to diseases including: fever, high fever, kidney tuberculosis, syphilis or due to genetic errors. In spontaneous abortion it is not uncommon for the fetus to come out intact. There are times when a woman's pregnancy can fall on its own without any intentional action or action. This is often called a "miscarriage" or spontaneous abortion. This often happens to mothers who are young pregnant, due to an unintentional and desired result or because of an illness they are suffering from (Harefa, 2019).

### **3.3. Abortion in Positive Criminal Law**

According to the Criminal Code in Indonesia, abortion is categorized as a criminal act or categorized as a crime against life, as in Article 299, Article 364, Article 348, Article 349 of the Criminal Code, prohibiting abortion and the legal sanctions are quite severe. The punishment is not only aimed at the woman concerned but all parties involved in the crime regardless of the background of the act and the person who committed it, namely all people, both perpetrators and abortion helpers, such as doctors or midwives (Tutik, 2010, p. 185).

The following are several articles in the Criminal Code (KUHP) which regulate abortion (*Abortus Provocatus*):

#### **Article 229 :**

- a) Any person who deliberately treats a woman or orders her to be treated, with the notification or hope that because of this treatment her pregnancy can be terminated, shall be punished by a maximum imprisonment of four years or a maximum fine of three thousand rupiahs.
- b) If the offender does so for profit, or makes the act out of pursuit or habit, or if he is a physician, midwife or medicine man, the sentence can be increased by one third.
- c) If the person who is guilty of committing the crime is undergoing a search, his right to carry out the search may be revoked.

#### **Article 314**

"A mother who, out of fear of being caught giving birth to a child, at the time the child is born or shortly thereafter, deliberately takes the life of her child, is threatened, having killed her own child, with a maximum imprisonment of seven years".

#### **Article 342**

"A mother who, in order to carry out the intention specified for fear of being found out that she is about to give birth to a child, at the time the child is born or shortly thereafter deprives the child's life, shall be punished, having committed murder of her own child with premeditation, by a maximum imprisonment of nine years".

#### **Article 343**

"The crimes described in articles 341 and 342 are seen, for other people who participate in committing them, as murder or premeditated killing.

#### **Article 346**

"A woman Which with deliberate intent to abort or kill her womb or order another person to do so, shall be punished by a maximum imprisonment of four years".

#### **Article 347**

- 1) Whoever intentionally aborts or kills the womb of a woman without her consent, shall be punished by a maximum imprisonment of twelve years.
- 2) If said act results in the death of the woman, a maximum imprisonment of fifteen years is imposed.

#### **Article 348**

- 1) Any person who with deliberate intent aborts or kills the womb of a woman with her consent, shall be punished by a maximum imprisonment of five years and six months.
- 2) If said act results in the death of the woman, a maximum imprisonment of seven years is imposed.

**Article 349**

"If a physician, midwife or pharmacist helps commit a crime referred to in Article 346, or commits or helps commit one of the crimes described in Articles 347 and 348, then the sentence specified in that article can be added to one third and the right to carry out search in which the crime was committed".

**Article 535**

"Anyone who openly demonstrates a means to abort a content, or openly or without being asked to offer it, or openly or by broadcasting a text without being asked, designates as available, such means or intermediaries, shall be threatened with maximum imprisonment of three months or a maximum fine of four thousand five hundred rupiahs"

In my opinion, the abortion that has been regulated in the Criminal Code is very adequate and even very serious in efforts to enforce the criminal act of abortion. Criminal legislation in Indonesia has legal status which is "illegal" in nature, prohibiting abortion without exception. Thus, the Criminal Code does not distinguish between abortion provocatus criminalis and abortion provocatus medicalis/therapeuticus. It can be seen that whatever the reason for the abortion, it still violates the law in force in Indonesia.

The Civil Code also regulates abortion, namely in article 2 and article 1363. In essence, these articles state that charges are imposed on people who have abortions or people who help carry out either directly or indirectly (Pranata, 2020). In essence, the formal law governing the issue of abortion states that the Indonesian government rejects abortion. Exceptions are given if there are medical indications as stated in Health Law Number 23 of 1992 Article 15 and Article 80. In addition, the issue of abortion is also related to the Indonesian Doctor's Oath, which among other things states that doctors will respect every life (Susilawati, 2015).

The same thing has also been regulated in Law Number 36 of 2009 concerning Health (Health Law) Article 75 paragraph (1) which reads "Every person is prohibited from having an abortion". However, there is an exception in Article 75 paragraph (2) which reads "The prohibition referred to in paragraph (1) can be excluded based on a) medical emergency indications detected at an early age of pregnancy, whether those that threaten the life of the mother and/or fetus, who suffer from genetic diseases severe and/or congenital defects, or those that cannot be repaired, making it difficult for the baby to live outside the womb or; b) pregnancy as a result of rape which can cause psychological trauma to the rape victim. Then,

Article 75 of the Health Law clearly shows that the law prohibits abortion except for the type of abortion provocatus therapeuticus (an abortion performed to save the life of the mother and/or her fetus). In the world of medicine, provocatus medicalis abortion can be performed if the mother's life is in danger of death as a result of the premature birth of the baby or the condition of the pregnant woman before delivery experiencing health problems involving, Iatrogenic, maternal, uterus, placenta, amniotic fluid, fetus, and cervix (Yanti, 2020).

**3.4. Abortion in Islamic Criminal Law**

In deciding the law of a case, a mujtahid must take several things. The stages of tracing the law on certain issues must be in accordance with the sequence or basic order of Islamic law (Buchari, 2018). This is a must for a mujtahid who really wants to study the Qur'an while still using the Al-Qur'an and Hadith as a guide and reference. Because, it is very naive if someone who wants to study and explore the meaning or content contained in the Al-Quran then does not return to referring to the main and most important source (Fatwamati, 2016).

The Al-Qur'an's description of the process of conception is not disclosed in detail, from beginning to end, but is stated in general and global terms. The verses that are usually used as references when talking about abortion include the following (Munarif, 2022).

- a. Surah al-Isra' (17): 31 and 33:

وَلَا تَقْتُلُوا أَوْلَادَكُمْ خَشْيَةَ إِمْلَاقٍ ۖ نَحْنُ نَرْزُقُهُمْ وَإِيَّاكُمْ إِنَّ قَتْلَهُمْ كَانَ خِطْئًا كَبِيرًا

*"Do not kill your children for fear of poverty. We will provide sustenance for them and also for you. Truly killing them is a great sin."*



وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ وَمَنْ قُتِلَ مَظْلُومٌ ۖ إِنَّا قَدْ جَعَلْنَا لَوْلِيهِ سُلْطٰنًا ۖ فَلَا يُسْرِفُ فِي الْقَتْلِ إِنَّهُ كَانَ  
مَنْصُورًا

*"And do not kill the soul that is forbidden by Allah except with truth. And whoever is unjustly killed, then verily We have given power to his guardian, but let not his family transgress in killing. Truly he is the one who has been won."*

- b. Letter. al-An'am (6): 151, stated:

قُلْ تَعَالَوْا أَنَا ذُرِّيَّتُكُمْ عَلَىٰ كَيْفٍ أَحْسَنُ ۖ وَلَا تَقْتُلُوا أَوْلَادَكُمْ مِمَّنْ أَمْلَقَ ۚ نَحْنُ نَرْزُقُكُمْ  
وَأَبَائَهُمْ وَلَا تَقْرَبُوا الْفَوَاحِشَ مَا ظَهَرَ مِنْهَا وَمَا بَطَنَ وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ ذَلِكُمْ وَصَّيْتُكُمْ بِهِ لَعَلَّكُمْ تَعْقِلُونَ

*"Say: Come, let me read what Allah has forbidden you: do not associate anything with Him, and worship both parents and parents. And do not kill your children because of poverty. We will provide sustenance for you and for them; and do not come close to abominable deeds, whether visible in them or hidden, and do not kill a soul that is forbidden by Allah except on the basis of something that is true. That is what was bequeathed to you, so that you may understand.*

The description of the hadith which is the second source of Islamic law, as well as a source of reference in solving all problems that can be used as evidence in life, is of course very much needed in studying the issue of abortion. Several hadith editors were found with various sequences of transmission, which can be traced to various sources of muktabarah hadith books, including the following.

- a. Sahih Bukhari Hadith in the Book Bad' al-Khalq

*From Abdullah bin Mas'ud: "The process of human occurrence is first a seed that has been fertilized in the mother's womb for 40 days, then turns into 'alaqah which takes 40 days, then turns into a muddah which takes 40 days anyway. After that Allah sent an angel who was ordered to write down four things, namely about his deeds, his sustenance, his death, and his fate to be wretched or dangerous which then the spirit breathed on him. (Meranti, 2015).*

- b. The hadith editor in Sahih Muslim, Kitab alHudud, stated:

*From Ubadah bin Shamit said: We were with the Messenger of Allah. In an assembly, he then said: "I was sworn in not to associate partners with Allah with anything, do not commit adultery, steal, and do not kill souls that Allah has forbidden except by right."*

Yusuf Qardawi said that in general, referring to the provisions of Islamic law, the practice of abortion is prohibited and is a crime against living beings, therefore the punishment is very severe for those who do it. Muhammad Mekki Naciri, also stated that all Islamic legal literature from various existing schools of thought agrees that abortion is haram, because it is an act of murder and is absolutely not permissible, unless abortion is supported by valid reasons. Even so, the opinions of the scholars, related to the opinions above, are very diverse, especially in terms of determining when abortion is permissible with justified reasons.

The Hanafi school of thought allows abortion before 120 days of pregnancy on the grounds that creation has not occurred. The view of some other scholars from this school only allows before the 80th day of pregnancy on the grounds that creation occurs after entering the stage of muddah or the second 40th day of the fetus. The majority of Hanabilah scholars allow abortion as long as the fetus is still in the form of a blood clot ('alaqoh) because it is not yet human. Syafi'iyah forbids abortion on the grounds that life begins from conception, one of which was stated by al-Ghazali in Ihya Ulumuddin. He was of the opinion that abortion is a criminal act that is unlawful regardless of whether there is a soul or not, because life has existed since the meeting between sperm and ovum in a woman's womb. If the spirit has been blown into the fetus, then it is a very heinous crime, on the same level as killing a live baby. However, al-Ghazali in his book al-Wajiz has a different opinion from his writings in al-Ihya, he admits the truth of the opinion that abortion in the form of a clot of blood ('alaqoh) or a lump of flesh (mudghoh) is okay because it has not taken place yet.





The majority of Malikiyyah scholars prohibit abortion. The legal basis used as an argument for these scholars is the following two hadiths of the Prophet.

- a. *"From Abi Abdurrahman Abdillah bin Mas'ud RA said the Messenger of Allah told us that in fact someone among you was collected in your mother's stomach for 40 days in the form of a nutfah, then became a clot of blood ('alaqoh) at the same time, then became a lump of flesh (mudghoh) also at the same time. After that an angel was sent to blow the spirit into it and was sent to record four cases, namely to record his fortune, his age, his deeds and whether he was happy or unhappy" (HR. Muslim).*
- b. *"I heard the Messenger of Allah say that when the nutfah has passed forty-two days, Allah sends an angel to shape its appearance, make its hearing, sight, skin, flesh and bones and then the angel asks: O my Lord, was it made male or female? Then Allah determines what he wants, then the angel writes it" (HR. Muslim).*

Several scholars also commented on the issue of abortion. Abdur Rahman Al Baghdadi in his book *Emancipation Is There in Islam* states that abortion can be performed before or after the soul (spirit) is blown. If it is carried out after the soul has been blown, that is, after 4 (four) months of pregnancy, the fiqh scholars agree that it is forbidden. However, the fiqh scholars differ on whether an abortion is performed before the soul is blown, some allow it and some forbid it. Among others, Muhammad Ramli (d. 1596 AD) in his book *An Nihayah*, who permitted abortion before the breath of the soul, argued that there was no living creature yet. There are also those who view it as *makruh*, arguing that the fetus is growing. Those who forbid abortion before the soul is breathed include Ibn Hajar (d. 1567 AD) in his book *At Tuhfah*. Even Mahmud Shaltut, former Chancellor of Al Azhar University in Egypt, is of the opinion that since the meeting of a sperm cell with an ovum (egg cell), abortion is forbidden, because there is already life in the womb which is undergoing growth and preparation to become a new animate creature named human, whose existence must be respected and protected. It will be even more evil and sinful if the abortion is carried out after the fetus is alive, and the sin will be even greater if the newborn is thrown away or killed from the womb. because there is already life in the womb that is experiencing growth and preparation to become a new animate creature named human, whose existence must be respected and protected. It will be even more evil and sinful if the abortion is carried out after the fetus is alive, and the sin will be even greater if the newborn is thrown away or killed from the womb. because there is already life in the womb that is experiencing growth and preparation to become a new animate creature named human, whose existence must be respected and protected. It will be even more evil and sinful if the abortion is carried out after the fetus is alive, and the sin will be even greater if the newborn is thrown away or killed from the womb.

The opinion agreed upon by the fuqoha, that it is unlawful to have an abortion after the soul has blown (four months), is based on the fact that the blowing of the spirit occurs after 4 (four) months of pregnancy. Abdullah bin Mas'ud said that Rasulullah SAW said: "Verily, each of you collects what happens in your mother's stomach for 40 days in the form of ~nutfah, then in the form of 'alaqah for that long too, then in the form of mudghah for that long too, then the spirit is blown into him . (HR. Bukhari, Muslim, Abu Dawud, Ahmad, and Tirmidhi) (Yusra, 2011, p. 1).

### **3.5. The crime of abortion committed by doctors according to Law Number 36 of 2009 concerning Health**

According to the Criminal Code (KUHP), abortion has been regulated in the criminal law in force in Indonesia, abortion or abortion is a crime, known as "Abortus Provocatus Criminalis". The act of abortion in the Criminal Code (KUHP) in Indonesia is categorized as a criminal act, which receives a penalty (Ahmad, 2015):

- a. Mothers who have abortions Doctors or midwives or traditional healers who help with abortions
- b. People who support abortion

Doctors basically do not allow abortion. Before taking the oath of office from the start, the oath of Indonesian doctors was based on the Geneva Declaration which contained the completion of the Hippocratic Oath. A doctor proclaims that everyone's life will be respected from the



moment of conception. This is stated in the Indonesian Code of Medical Ethics, which contains the general obligation of every doctor to protect humans at all times. If a doctor violates it, the doctor will be tried according to the code of ethics, and will be subject to the sanction of "expulsion" as a member of the medical professional association or members of the professional community. Therefore, if the reason imposed is not because of pregnancy, then the health of the mother and/or the fetus in the womb may be threatened, such as for mothers with severe genetic diseases and/or birth defects (Kurniadi et al., 2020).

If a doctor, midwife or pharmacist helps to commit a crime under Article 346, or commits or helps commit one of the crimes described in Articles 347 and 348, then the sentence specified in that article can be added to one third and the right to carry out search in which the crime was committed. The subject is a doctor, midwife or pharmacist. They are special subjects, the actions taken are:

- a. Helping the crime Article 346; assisting here is in the sense of Article 56. However, they are not threatened with a maximum of four years minus one third, but four years plus one third.
- b. Committing the crime is Article 347 or 348. In this case the maximum penalty is added to one third of Article 347 or 348 (Wulandari, 2019).

This is regulated as a provision in the articles of the Criminal Code which clearly does not provide an opportunity for an abortion to be carried out, if the application of the provisions of the article is absolute and there is no reason whatsoever. All forms of abortion are prohibited for women, without providing an alternative to providing safe reproductive health technology that can reduce the risk of death for pregnant women, due to the risk of serious illness that endangers the life of the pregnant woman. As a consequence, medical workers, especially doctors, midwives and other officers, are considered as violators of the law when they perform abortions with the aim of saving lives.

Article 194 of the Health Law reads, "Any person who intentionally has an abortion not in accordance with the provisions referred to in Article 75 shall be punished with imprisonment for a maximum of 10 (ten) years and a fine of up to Rp. 1,000,000,000 (one billion rupiah) )".

Criminal provisions regarding abortion *provocatus criminalis* as in Law Number 36 of 2009 concerning Health are considered good because they contain general and specific prevention to reduce the number of abortion crimes. By experiencing such a severe criminal threat, it is hoped that criminal abortion perpetrators will become deterrent and not repeat their actions again, in the legal world this is referred to as special prevention, namely efforts to prevent abortion perpetrators *provocatus criminalis* from repeating their actions (Pranata et al., 2020) ).

#### **4. CONCLUSION**

The word abortion comes from the English word abortion and the Latin word abortion. etymologically means, abortion or miscarriage. The word abortion in Arabic is called *ijhadh* which means dropping, throwing, throwing or getting rid of. Whereas in the Big Indonesian Dictionary, abortion is the emission of an embryo that is no longer possible to live (before the fourth month of pregnancy), miscarriage or *keluron*, a state of cessation of normal growth (for living things), abortion (fetus). Types of abortion: spontaneous abortion, complete abortion, incomplete abortion, imminent abortion, missed abortion, infectious abortion and septic abortion.

According to the Criminal Code in Indonesia it is categorized as a criminal act or categorized as a crime against life, as in Article 299, Article 364, Article 348, Article 349 of the Criminal Code, prohibiting abortion and the legal sanctions are quite severe. The punishment is not only aimed at the woman concerned but all parties involved in the crime regardless of the background of the act and the person who committed it, namely all people, both perpetrators and abortion helpers, such as doctors or midwives.

The Qur'an does not explain in detail the process of fertilization, from start to finish, but is stated in general and global terms. Verses that are usually used as references when talking about abortion include the verses in QS. al-Isra' (17): 31 and 33. verses in QS. al-An'am (6): 15. The description of hadith as the second source of Islamic law, as well as a source of reference in solving



all problems that can be used as evidence in life, is of course very much needed in studying the issue of abortion. From "Ubadah bin Shamit said: We were with the Messenger of Allah. In an assembly, he then said: "I was sworn in not to associate partners with Allah with anything, do not commit adultery, steal, and do not kill souls that Allah has forbidden except by right. Some of the opinions of scholars include: Yusuf Qardawi, Hanafi School, Majority of the Malikiyyah scholars According to the Criminal Code (KUHP), abortion has been regulated in the criminal law in force in Indonesia, abortion or abortion of the fetus is a crime, known as "Abortus Provocatus Criminalis". The act of abortion according to the Indonesian Criminal Code (KUHP) is categorized as a criminal act.

Who received the punishment:

- a. Mothers who have abortions
- b. Doctors or midwives or traditional healers who help perform abortions
- c. People who support abortion Doctors basically don't allow abortions.

Before taking the oath of office from the start, the oath of Indonesian doctors was based on the Geneva Declaration which contained the completion of the Hippocratic Oath. A doctor proclaims that everyone's life will be respected from the moment of conception. This is stated in the Indonesian Code of Medical Ethics, which contains the general obligation of every doctor to protect humans at all times. If a doctor violates it, the doctor will be tried according to the code of ethics, and will be subject to the sanction of "expulsion" as a member of the medical professional association or members of the professional community. Therefore, if the reason imposed is not because of pregnancy, then the health of the mother and/or the fetus she contains may be threatened, such as for mothers with severe genetic diseases and/or birth defects. If a doctor, midwife or pharmacist helps to commit a crime under Article 346,

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