

Application of the Law to Perpetrators of Criminal Acts of Abortion and Owners of Illegal Abortion Practices (Study Decision Number 286/Pid.Sus/2021/Pn Jkt.Tim)

Muhammad Fadlan¹⁾, Risdalina²⁾, Maya Jannah³⁾

^{1,2,3)} Faculty of Law, Labuhan Batu University

*Corresponding Author

Email: risdalinasiregar@gmail.com

Abstract

This research uses normative legal research methods to examine the application of criminal sanctions against abortion perpetrators and owners of illegal abortion practices based on Decision Number 286/Pid.Sus/2021/PN Jkt.Tim. In this decision, the judge sentenced the defendant to imprisonment for 2 years and 6 months and a fine of Rp. 50,000,000.00, with the provision that if it was not paid, it would be replaced by imprisonment for 3 months. This decision was deemed appropriate because the defendant was legally and convincingly proven to have practiced illegal abortion together, violating Article 75 paragraph (1) in conjunction with Article 194 of Law no. 36 of 2009 concerning Health and Article 55 paragraph (1) 1 of the Criminal Code. The aggravating circumstance is that the defendant's actions are contrary to human values and endanger the safety of other people. Meanwhile, mitigating circumstances are that the defendant behaved politely at trial, had never been convicted, and admitted his actions honestly and regretted them. The driving factor for the abortion was pressure from the work contract which caused witness R and witness NAS to be forced to have an abortion because they were worried about losing their jobs. Apart from that, illegal abortion practices are carried out for economic gain, where patients have to pay around IDR 8.5 million to have an abortion. This reflects weak supervision of illegal health practices and low awareness of the health dangers they cause

Keywords: *Implementation of Law, Perpetrators, Criminal Acts, Abortion, Abortion Practice Owners, Illegal.*

INTRODUCTION

The illegal practice of abortion is strictly prohibited not only in religion, but in law, both the Criminal Code and the Law on Health and the Child Protection Law. (Pranata et al., 2020) Abortion can only be excluded in certain cases, namely based on indications of medical emergencies that are detected at an early stage of pregnancy, whether those that threaten the life of the mother and/or fetus, those suffering from serious genetic diseases and/or congenital defects, or those that cannot be repaired, making it difficult for the baby to live outside the womb or pregnancy due to rape which can cause psychological trauma for the rape victim (SHELEMO, 2023).

(Susanti, 2012) Abortion or Abortus provocatus comes from Latin which means accidental miscarriage. Abortus provocatus is one of various types of abortion. In the Latin-Indonesian dictionary itself, abortion is defined as premature birth or miscarriage. Basically, the word abortion in Latin means the same as the word abortion in Indonesian, which is a translation of the word abortion in English. If you look in the English-Indonesian dictionary, the word abortion actually means aborting a fetus. Abortus provocatus is a Latin term that is officially used in the medical and legal professions. (Maridjan, 2019) This means deliberately ending the life of the womb in the womb of a mother or pregnant woman.

One of the crimes regulated in the Criminal Code is abortion provocatus. Provisions regarding abortion provocatus can be found in Chapter XIV of the Second Book of the Criminal Code concerning crimes against morality (especially Article 299), Chapter If the abortion provider is a doctor then RI Minister of Health Regulation No. 343/Menkes/SK/X/1983 concerning the Applicability of the Indonesian Medical Code of Ethics (KODEKI) for Doctors in Indonesia. (Island et al., 2021) Article 1 CODEKI "Every doctor must uphold, appreciate and

practice the doctor's oath." Article 10 CODEKI "Every Indonesian doctor must always remember the obligation to protect human life." As well as Republic of Indonesia Government Regulation Number 28 of 2024 concerning Implementing Regulations of Law Number 17 of 2023 concerning Health.

(Adolph, 2016)The practice of illegal abortion is increasingly widespread nowadays because it is supported by patients with certain pregnancies who come and request an abortion. Several things that often influence the occurrence of abortion are pregnancy out of wedlock carried out by someone who is not a legal partner, or sometimes a pregnancy that is unwanted due to some reason, for example pregnancy as a result of rape. The practice of abortion from any angle has a negative impact, where there are several statutory provisions which are of course very contradictory to this, apart from the Criminal Code and the Health Law, but also the Child Protection Law and the Human Rights Law.

In Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection it is stated that: "A child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb." "Furthermore, Protection of Children is all activities to guarantee and protect Children and their rights so that they can live, grow, develop and participate optimally in accordance with human dignity, as well as receive protection from violence and discrimination." (Latar et al., 2006)So it can be concluded that children, even though they are still in the womb, are obliged to receive protection from violence and discrimination and are even given their rights in accordance with the mandate of the law.

Law of the Republic of Indonesia Number 39 of 1999 concerning Human Rights article 1 number 5 states that: "A child is every human being under 18 (eighteen) years of age and unmarried, including children who are still in the womb if this is in their interests." This indicates that several laws specifically pay attention to children, because children are a gift created for happiness and succession in the family. (Lesmono & Fitriati, 2024)His position must be recognized and his role in the family is very special.

The object of research in this article refers to the case in the case register registered at the East Jakarta District Court Number: 286/Pid.Sus/2021/PN Jkt.Tim in which the defendant LM als LMT als BONET together with witness NA and witness SM, as well as witness NAS (each of whom was prosecuted in a separate file), on November 19 2020 or at least at some time in November 2020 located at Apartment Bassura City Tower C Zone A Floor 27 Unit C/27/AF Jalan Jend Basuki Rahmat No. 1A Ex. Cipinang Besar Selatan District. Jatinegara East Jakarta or at least in other places which are still included in the jurisdiction of the East Jakarta District Court has the authority to examine and try the cases of these defendants "those who committed, who ordered to do or who participated in carrying out the act; deliberately carrying out an abortion not in accordance with the provisions as intended in Article 75 paragraph (2) "any person prohibited from having an abortion is excluded based on: a. indications of medical emergencies detected at an early age, either those that threaten the life of the mother and/or fetus, those suffering from serious genetic diseases and/or congenital defects, or those that cannot be repaired making it difficult for the baby to live outside the womb or b. pregnancy resulting from rape which can cause psychological trauma for rape victims." The act is done as follows: - that the defendant practices abortion illegally in the Bassura City Apartment, among others: 1) the patient from the beginning to the end of about \pm 10 minutes, and blood The results of the vacuum suction from the patient being prosecuted will be thrown into the toilet in the bathroom. - That the person who used the vacuum/suction procedure on the abortion patient was Mrs. SM. - That the evidence found and secured when apprehending the defendants at Unit C/27/AF Apartment Bassura City, East Jakarta on 19 November 2020 was: - 1 (one) set of fluid suction equipment/pump (General Care-Phlegm Suction 7E-A); (one) blue tub/potty; - 5 (five)

tweezers/tenaculum scissors; - 2 (two) cocor ducks/speculums; - 1 (one) instrument tub; - 13 (thirteen) Rusch brand Folley catheter tubes 30-50ml, 8.0mm, UK 24 ml; - 6 (six) Rusch brand Folley catheter tubes 30-50ml, 6.0mm, size 18; - 35 (thirty five) 5cc/ml Terumo Syringe brand syringes; - 3 (three) red perlak; - 45 (forty five) Slang Infusion Sets from Gea Medical Brand; - 2 (two) small scissors; - 95 (ninety five) strips of Terumo Needle Brand Infusion Hose Needles 23Gx1½"; - 44 (forty four) Surflo brand infusion needles for hands; - 1 (one) small stainless tub for betadine; - 2 (two) plasters; 16. 1 (one) roll of 500g cotton sanitary napkins; - 1 (one) set of stainless steel; - 13 (three) Bottle of 500ml Braun Brand Infusion; - 1 (one) Set of Bassura Tower C Apartment C/27/AF; 1 (one) basin plastic; - 1 (one) used tube; - 1 (one) used sterile cloth (suction tube); eleven) methylergometrine maleate tablet strips (bleeding stopper); - 5 (five) adrom carbazochrome strips; - 13 (thirteen) ampoules of Neorobion; - 5 (five) ampoules of lidocaine Hcl 2% (anesthetic); - 18 (eighteen) ampoules of liquid methylergometrine maleate; - 7 (seven) ampoules of tranexamic acid injection 500mg/5ml (anti-bleeding); - 87 (eighty seven) ampoules of oxytocin (injection) 10 iu/ml (stimulant); - 6 (six) strips of amoxicillin trihydrate 500mg; - 6 (six) mefinal (pain medication) 500mg; - 16 (sixteen) cytotec tablets 200mg; - 8 (eight) 500mg paracetamol (pain reliever) strips. There have been around 15 (fifteen) people who have had abortions in the Bassura Apartment Tower C Zone A Floor 27 Unit C/27/AF Jl. Basuki Rachmat No. 1A Ex. Cipinang Besar District. Jatinegara East Jakarta since October 28 2020. The police arrested 6 (six) women who were in Unit C/27/AF Apartment Bassura City East Jakarta, namely: 1. NA 2. SM, 3. LM. 4. NAS. 5. R. 6. A; - The officers conducted an interrogation, then obtained information about their respective roles, namely: 1. NA as the owner of the apartment unit which is used as a place to perform abortions, apart from that, NA also acts as a searcher for abortion patients, and is responsible for the place and practice of illegal abortions, also sometimes helping to provide medicine and helping Mrs. SM hold the clamp/scissors when installing a catheter tube in the patient's cervix, and a provider of needs ranging from medicines and other equipment. 2. SM as the perpetrator (executor) who performs an abortion, by installing a catheter tube and a vacuum device to the patient who will undergo the abortion. 3. Defendant LM's role was to help NA and Mrs. SM in actions, such as getting medicine, making sweet tea for the patient, holding tongs/scissors, sweeping, mopping and cleaning the place, picking up the patient from the bottom floor of the apartment to be taken up to Unit 27/AF Floor Unit 27; 4. NAS is an abortion patient with a gestational age of around 7 (seven) months, where before the arrest, action was taken in the form of administering paracetamol (pain reliever), amoxcilin (antibiotic) and sytotec (stimulant drug) one each around 2 hours before the arrest and a catheter tube was installed in the cervix of Witness Nadia Ayu Sudanti; 5. R is a prospective abortion patient with a gestational age of around 1 (one) month, at that time the person concerned had not yet taken any action and then chatted about her gestational age and had only just had time to do an examination by holding her stomach; 6. A only accompanied Ms. R prospective abortion patient.

The defendant's actions as stated above are regulated and punishable by crime in Article 75 paragraph (1) in conjunction with Article 194 of Republic of Indonesia Law No. 36 of 2009 concerning Health in conjunction with Article 55 Paragraph (1) 1st of the Criminal Code.

Based on the description above, the author formulates a problem related to: How are criminal sanctions applied to perpetrators of criminal acts of abortion and owners of illegal abortion practices based on Decision Number 286/Pid.Sus/2021/PN Jkt.Tim? and Abortion Factors Based on Decision Number 286/Pid.Sus/2021/PN Jkt.Tim.

RESEARCH METHODS

This research uses normative legal research methods. Normative legal research is researching law from an internal perspective with the object of research being legal norms. In other words, legal research places law as a building system of norms. The norm system in question is about principles, norms, rules of laws and regulations, court decisions, agreements and doctrines (teachings). This research uses a statutory approach and a conceptual approach. A statutory approach is used to obtain an overview of the application of the law towards perpetrators of criminal acts of abortion and owners of illegal abortion practices (Study Decision Number 286/Pid.Sus/2021/PN Jkt.Tim).

RESULT AND DISCUSSION

Application of Criminal Sanctions to Perpetrators of Criminal Acts of Abortion and Owners of Illegal Abortion Practices Based on Decision Number 286/Pid.Sus/2021/PN Jkt.Tim.

There are various cases related to criminal acts of abortion and illegal abortion practices, so it is necessary to enforce the law against perpetrators of crimes that fall into the category of crimes against morality or crimes against humanity.

(Manohara, 2018) Law Enforcement is the law that is enforced and is social engineering. Law enforcement in foreign languages itself recognizes various terms such as *recht toe* passing hand having (Dutch), law enforcement, application (America) with the aim of law enforcement being the concrete implementation of the law in people's daily lives. Law enforcement is an effort to make legal ideas and concepts that the people hope come true. Law enforcement is a process that involves many things. So law enforcement can be concluded as an effort to realize legal ideas and concepts into real things. Law enforcement against perpetrators of illegal abortion practices is currently growing very rapidly, accompanied by negative societal attitudes, so the law is seen as an idea with a legal concept to be made real.

The position of the case which is the object of this research is that the defendant LM als LMT als BONET together with witness NA and witness SM, as well as witness Nadia Ayu (each of whom was prosecuted in a separate file), on November 19 2020 or at least at some time in November 2020 at Bassura City Apartment Tower C Zone A Floor 27 Unit C/27/AF Jalan Jend Basuki Rahmat No. 1A Ex. Cipinang Besar Selatan District. Jatinegara East Jakarta or at least in other places which are still included in the jurisdiction of the East Jakarta District Court has the authority to examine and try the cases of these defendants "those who committed, ordered to carry out or who participated in carrying out the act; deliberately carrying out an abortion not in accordance with the provisions as intended in Article 75 paragraph (2)" (Suputra, I. B. M. A., & Parwata, 2021) every person prohibited from carrying out an abortion is excluded based on: a. indications of medical emergencies detected at an early age, either those that threaten the life of the mother and/or fetus, those suffering from serious genetic diseases 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 for the rape victim, which was carried out in the following way: - Initially the defendant could join in the work of carrying out illegal abortion practices at the Bassura City Apartment, namely at around the end of October 2020, offered by Ms. NA just joined him to work temporarily to make extra money for food, because the defendant thought that at that time it was difficult to find work and to fill the gap,

the defendant finally accepted the job offer. And at that time the defendant's position was only to help, such as cleaning, making tea/drinks for patients, picking up and dropping off patients in the lower lobby and so on. - That when the defendant was contacted by Ms. NA around the end of October 2020 to offer the defendant a job, that Ms. NA has explained that the job that will be carried out later is the work of carrying out illegal abortion practices in a Bassura City Apartment at that time, based on that offer the defendant accepted Sister's offer. NA to work at the abortion practice; That when the defendant received a job offer from Ms. NA, for carrying out abortion practices illegally or not in accordance with these provisions, the defendant went to Jakarta to meet Ms. NA at Bassura City Apartment in the East Jakarta area. And in the Bassura City Apartment (Floor 27, Unit AF Tower C) this is the place where illegal abortions will be practiced as stated by Ms. NA and also the place where the defendant lived together. - (Jaka Prima, 2024) That after the abortion was carried out, the defendant gave Ms. NAS (patient) took paracetamol (pain reliever), amoxcilin (antibiotic) and sytotec (stimulant medication) one each for about 2 hours, this was done according to the instructions of Ms. NAdan for the installation of the catheter tube in the cervix was installed by Mrs. SM. - That the wage payment that the defendant received was related to the abortion practice work carried out at the Bassura City Apartment, 27th Floor, Unit C/27/AF, East Jakarta, amounting to IDR 50,000 (fifty thousand rupiah) per patient that the defendant handled/managed and this was paid directly by Ms. NA directly in cash when there is payment from the patient and the action has been completed. For payment of Msdri's wages. SM the defendant did not know because it was your sister's business. NA went straight to him. That the number of abortion patients who had come for the procedure during the defendant's work was around 15 to 20 patients, with the gestational age of those who often came for the abortion being around 1 to 2 months old. That during the illegal abortion practice that the defendant carried out, the defendant was together with Ms. SRI MULYATI and Br. NINA AMELIA has never accepted patients with a gestational age of around 7 (seven) months like Ms. - That the abortion was carried out by the defendant to help Ms. SRI MULYATI and Br. NINA AMELIA is as follows: 1). the patient comes to have her gestational age checked, by holding her stomach (usually by Mrs. SRI MULYATI / approximate count); 2). The patient was told to lie down and then immediately suctioned using a tube using a vacuum/suction device by the sister. Mrs. SRI MULYATI; 3). The patient was told to lie down and rest and was given medication. - The estimated procedure for 1 patient from start to finish is approximately \pm 10 minutes, and the blood resulting from vacuum suction from the patient being treated will be thrown into the toilet in the bathroom. - That the person who used the vacuum/suction procedure on the abortion patient was Mrs. SRI MULYATI.

(Luftia Gunawan et al., 2023) After going through the trial examination mechanism at the East Jakarta District Court, the Public Prosecutor at the East Jakarta District Prosecutor's Office carried out prosecution against the defendant so that the Panel of Judges at the East Jakarta District Court who examined and tried the case Decision Number: 286/Pid.Sus/2021/PN Jkt. The team decided as follows:

Demand:

1. Declaring that the defendants LM als LMT als BONET were legally and convincingly proven guilty of committing a criminal act "those who committed, ordered to do, and who participated in committing the act, attempted to commit a crime by deliberately carrying out an abortion not in accordance with the provisions as intended in Article 75 paragraph (2)" every person prohibited from having an abortion is excluded based on: a. indications of medical emergencies detected at an early age, either those that threaten the life of the mother and/or fetus, those suffering from serious genetic diseases and/or congenital defects, or those that cannot be repaired making it difficult for the baby to live outside

the womb or b. pregnancy resulting from rape which can cause psychological trauma for the rape victim" which is regulated and punishable by crime according to Article 75 paragraph (1) in conjunction with Article 194 of the Republic of Indonesia Law No. 36 of 2009 concerning Health in conjunction with Article 55 Paragraph (1) 1 of the Criminal Code as we alleged in the First indictment.

2. Sentenced the defendant LM als LMT als BONET to a prison sentence of 3 (three) years reduced completely while the defendant was in temporary detention, and a fine of Rp. 50,000,000 (fifty million rupiah) subsidized by 3 (three) months in prison with the order that the defendant remain in detention;
3. Determine evidence in the form of:
 - 1 (one) set of liquid suction device/pump (General Care-Phlegm Suction 7E-A);
 - 1 (one) blue tub/potty;
 - 5 (five) tweezers/tenaculum scissors;
 - 2 (two) cocor ducks/speculum;
 - 1 (one) instrument tub;
 - 13 (thirteen) Rusch brand Folley catheter tubes 30-50ml, 8.0mm, UK 24 ml;
 - 6 (six) Rusch brand Folley catheter tubes 30-50ml, 6.0mm, size 18;
 - 35 (thirty five) 5cc/ml Terumo Syringe brand syringes;
 - 3 (three) red perlak fruit;
 - 45 (forty five) Slang Infusion Set Gea Medical Brand;
 - 2 (two) small scissors;
 - 95 (ninety five) strips of Terumo Needle Brand Infusion Hose Needles 23Gx1½”;
 - 44 (forty four) Surflo brand hand infusion needles;
 - 1 (one) small stainless tub for betadhine;
 - 2 (two) plasters; 16. 1 (one) roll of 500g cotton sanitary napkins;
 - 1 (one) stainless steel set;
 - 13 (thirteen) bottles of 500ml Braun brand infusion fluid;
 - 1 (one) set of keys for Apartment Bassura Tower C Zone A Unit C/27/AF;
 - 1 (one) Bassura Apartment access card;
 - 1 (one) Naulinge brand lamp;
 - 1 (one) bottle of alcoholic liquid;
 - 1 (one) 1 liter bottle of bethadine povidone iodine liquid;
 - 1 (one) lump of cassava cloth;
 - 1 (one) plastic basin;
 - 1 (one) hose;
 - 1 (one) bed sheet;
 - 1 (one) piece of cassava cloth;
 - 3 (three) used needles;
 - 1 (one) suitcase;
 - 5 (five) used sterile medical cannulas/suction pipes;
 - 5 (five) pieces of Laminaris #6 extra large;
 - 3 (three) sterile medical pieces (cannula/suction pipe);
 - 11 (eleven) strips of methylergometrine maleate tablets (bleeding stopper);

- 5 (lima) strip adrom carbazochrome;
- 13 (thirteen) ampoules of Neorobion;
- 5 (five) ampoules of lidocaine Hcl 2% (anesthetic);
- 18 (eighteen) ampoules of liquid methylergometrine maleate;
- 7 (seven) ampoules of tranexamic acid injection 500mg/5ml (anti-bleeding);
- 87 (eighty seven) ampoules of oxytocin (injection) 10 iu/ml (stimulant);
- 6 (enam) strip amoxicillin trihydrate 500mg;
- 6 (six) mefinals (pain medication) 500mg;
- 16 (sixteen) cytotec tablets 200mg;
- 8 (eight) 500mg paracetamol (pain reliever) strips.

Used in matters in the name of NADIA AYU SUSANTI;

4. Determine that the defendants each pay court costs of IDR 5,000 (five thousand rupiah).

Before handing down a sentence to the Defendant, the Panel of Judges will first consider the aggravating and mitigating circumstances of the sentence for the Defendant, namely as follows:

Aggravating circumstances:

- The Defendant's actions are contrary to humanity which should uphold the right to life of the fetus in the womb;
- The Defendant's actions could endanger the safety of other people;

Extenuating circumstances:

- The defendant was polite in court;
- The defendant has never been convicted;
- The defendant admitted frankly and regretted his actions;

Judge

1. Declare that the Defendants LM als LMT als BONET have been legally and convincingly proven guilty of committing a criminal act. Jointly Carrying Out Illegal Abortion Practices violates Article 75 paragraph (1) in conjunction with Article 194 of Republic of Indonesia Law No. 36 of 2009 concerning Health in conjunction with Article 55 Paragraph (1) 1 of the Criminal Code in the first indictment;
2. Sentence the Defendant to prison for 2 (two) years and 6 (six) months and a fine of Rp. 50,000,000.00 (fifty million rupiah) with the provision that if the fine is not paid it will be replaced by imprisonment for 3 (three) months;
3. Determining that the period of arrest and detention that the Defendant has served shall be deducted entirely from the sentence imposed;
4. Order the Defendant to remain in custody;
5. Determine evidence in the form of:
 - 1 (one) set of liquid suction device/pump (General Care-Phlegm Suction 7E-A);
 - 1 (one) blue tub/potty;
 - 5 (five) tweezers/tenaculum scissors;
 - 2 (two) cocor ducks/speculum;
 - 1 (one) instrument tub;
 - 13 (thirteen) Rusch brand Folley catheter tubes 30-50ml, 8.0mm, UK 24 ml;
 - 6 (six) Rusch brand Folley catheter tubes 30-50ml, 6.0mm, size 18;

- 35 (thirty five) 5cc/ml Terumo Syringe brand syringes;
- 3 (three) red perlak fruit;
- 45 (forty five) Slang Infusion Set Gea Medical Brand;
- 2 (two) small scissors;
- 95 (ninety five) strips of Terumo Needle Brand Infusion Hose Needles 23Gx1½”;
- 44 (forty four) Surflo brand hand infusion needles;
- 1 (one) small stainless tub for betadine;
- 2 (two) plasters; 16. 1 (one) roll of 500g cotton sanitary napkins;
- 1 (one) stainless steel set;
- 13 (thirteen) bottles of 500ml Braun brand infusion fluid;
- 1 (one) set of keys for Apartment Bassura Tower C Zone A Unit C/27/AF;
- 1 (one) Bassura Apartment access card;
- 1 (one) Naulinge brand lamp;
- 1 (one) bottle of alcoholic liquid;
- 1 (one) 1 liter bottle of bethadine povidone iodine liquid;
- 1 (one) lump of cassava cloth;
- 1 (one) plastic basin;
- 1 (one) hose;
- 1 (one) bed sheet;
- 1 (one) piece of cassava cloth;
- 3 (three) used needles;
- 1 (one) suitcase;
- 5 (five) used sterile medical cannulas/suction pipes;
- 5 (five) pieces of Laminaris #6 extra large;
- 3 (three) sterile medical pieces (cannula/suction pipe);
- 11 (eleven) strips of methylergometrine maleate tablets (bleeding stopper);
- 5 (lima) strip adrom carbazochrome;
- 13 (thirteen) ampoules of Neorobion;
- 5 (five) ampoules of lidocaine Hcl 2% (anesthetic);
- 18 (eighteen) ampoules of liquid methylergometrine maleate;
- 7 (seven) ampoules of tranexamic acid injection 500mg/5ml (anti-bleeding);
- 87 (eighty seven) ampoules of oxytocin (injection) 10 iu/ml (stimulant);
- 6 (enam) strip amoxicillin trihydrate 500mg;
- 6 (six) mefinals (pain medication) 500mg;
- 16 (sixteen) cytotec tablets 200mg;
- 8 (eight) 500mg paracetamol (pain reliever) strips.

Returned to the Public Prosecutor to be used in proving the case in the name of NADIA AYU SUSANTI;

6. Charge the Defendant to pay court costs of Rp. 5,000,- (five thousand rupiah);

The conclusion is that the judge has implemented the law by imposing a prison sentence on the defendant for 2 (two) years and 6 (six) months and a fine of IDR 50,000,000.00 (fifty million rupiah) with the provision that if the fine is not paid it will be replaced by a prison sentence of 3 (three) months. This verdict is a very appropriate decision for the defendant for all

his actions, and reflects a sense of justice. And the defendants LM als LMT als BONET have been legally and convincingly proven guilty of committing a criminal act. Jointly carrying out illegal abortion practices violates Article 75 paragraph (1) in conjunction with Article 194 of the Republic of Indonesia Law no. 36 of 2009 concerning Health in conjunction with Article 55 Paragraph (1) 1st of the Criminal Code.

2. Abortion Factors Based on Decision Number 286/Pid.Sus/2021/PN Jkt.Tim.

Factors influencing abortion based on Decision Number 286/Pid.Sus/2021/PN Jkt.Tim are: The patient is bound by a work contract with the company. That witness R was forced to have an abortion because her husband did not want to take responsibility and the witness at that time was bound by a work contract, with the condition that she was not allowed to get pregnant while working, so the witness decided to have an abortion of her pregnancy. Likewise, witness NAS also had an abortion while being tied to a work contract with her company. There are several cases where in a job an employee is required to postpone her pregnancy, because it is related to work. And this must be adhered to to avoid layoffs due to not implementing the agreement in the contract, so that the witness decides to have an abortion.

Meanwhile, the factor behind the practice of carrying out abortions is to make a profit. Patients who wish to have an abortion must pay a fee of around Rp. 8.5 million Rupiah. This is of course very interesting for owners of illegal abortion practices, that this business is a promising business with very large profits. However, without thinking about the safety risks to the patient, they are even willing to kill innocent prospective babies on purpose and force them to abort.

CONCLUSION

1. The judge has implemented the law by imposing a prison sentence on the defendant for 2 (two) years and 6 (six) months and a fine of IDR 50,000,000.00 (fifty million rupiah) with the provision that if the fine is not paid it will be replaced by a prison sentence of 3 (three) months. This decision is a very appropriate decision for the defendant to take responsibility for his actions. According to the author, this decision reflects a sense of justice, because the defendant was legally and convincingly proven guilty of committing the crime of jointly committing illegal abortion practices and violating Article 75 paragraph (1) in conjunction with Article 194 of the Republic of Indonesia Law no. 36 of 2009 concerning Health in conjunction with Article 55 Paragraph (1) 1st of the Criminal Code. The circumstances that aggravate and mitigate the sentence for the Defendant are: Aggravating circumstances: - The Defendant's actions are contrary to humanity which should uphold the right to life of the fetus in the womb; - The Defendant's actions could endanger the safety of other people; Mitigating circumstances: - The defendant was polite in court; - The defendant has never been convicted; - The defendant admitted frankly and regretted his actions;
2. Factors influencing abortion based on Decision Number 286/Pid.Sus/2021/PN Jkt.Tim are: The patient is bound by a work contract with the company. That witness R was forced to have an abortion because her husband did not want to take responsibility and the witness at that time was bound by a work contract, with the condition that she was not allowed to get pregnant while working, so the witness decided to have an abortion of her pregnancy. Likewise, witness NAS also had an abortion while being tied to a work contract with her company. There are several cases where in a job an employee is required to postpone her pregnancy, because it is related to work. And this must be adhered to to avoid layoffs due to not implementing the agreement in the contract, so that the witness decides to have an abortion. Meanwhile, the factor behind the practice of carrying out abortions is to make a

profit. Patients who wish to have an abortion must pay a fee of around Rp. 8.5 million Rupiah. This is of course very interesting for owners of illegal abortion practices, that this business is a promising business with very large profits. However, without thinking about the safety risks to the patient, they are even willing to kill innocent prospective babies on purpose and force them to abort.

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