

**NURSING ETHICS IN PARTICIPATING IN ABORTION**  
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**Abstract**

At this time, abortion is a very controversial issue where there are many pros and cons of abortion. Abortion or abortion is the intentional termination (termination) of pregnancy (abortion provocatus). The purpose of this study is to examine the juridical normative perspective on how the criminal law through existing legislation provides sanctions against nurses who perform abortions as well as the legal construction of the Criminal Code and Law No. 36 of 2009 on health. Abortion according to the juridical construction of laws and regulations in Indonesia is the act of aborting or shutting down the content that is done intentionally by a woman or person who is told to have an abortion.

Key : *Ethics, Nursing, Abortion*

**Introduction**

One of the human rights included in the Constitution of the country is the right to life as described in Article 28 (A) of the Constitution of 1945 which reads "every person has the right to live and has the right to maintain his life and life". Currently abortion is one of the serious problems, judging from the high number of abortions that are increasing from year to year.

In Indonesia alone, the rate of fetal murder per year has reached 3 million. Abortion is the end of pregnancy before the child can live in the outside world. The child may live in the outside world if he weighs 1000 grams or is 28 weeks pregnant. Generally accepted as abortion is 20 weeks gestation or fetal weight 500 grams (Purwoastuti and Walyani. 2015).

Based on the data, there are 20 million incidence of unsafe abortions in the world, of which 19 out of 20 million unsafe abortions (9.5%) occur in developing countries (WHO, 2011) abortion rate in Indonesia is quite high, reaching 2.4 million per year. Even according to data from the National Population and Family Planning Agency (BKKBN) of the Republic of Indonesia, there is an increase of about 15% every year, and of these 800,000 of them are carried out by young women who are still students. The health law also provides for abortions performed by rape victims that are indicated to cause psychological trauma for the mother. If the old health law does not contain specifically about abortion against rape victims, it causes debate and interpretation in various circles. With the new health law, it is not disputed about its legal certainty because there are articles that regulate specifically.

Based on health law no. 36 of 2009, article 75 that any person is prohibited from having an abortion can be excluded based on indications of media emergencies detected from an early age of pregnancy and this rule is reinforced by Article 77 which contains the government is obliged to protect and prevent women from abortion as referred to in

Article 75 regarding abortion measures that are not qualified, unsafe, and irresponsible sera contrary to religious norms and the provisions of legislation.

Abortion according to the juridical construction of laws and regulations in Indonesia is the act of aborting or shutting down the content that is done intentionally by a woman or a person who is told to do for it. A pregnant woman in this case is a woman who becomes pregnant by her Will wants to abort her womb, while the actions that, according to the Criminal Code, can be told to help with an abortion are healers, midwives or medics.

**PUSATAKA OVERVIEW**

Abortion in the lay sense is abortion, the exit of the results of conception or conception before the time. Abortion in Indonesian English Dictionary is translated by abortion.

In the medical sense, abortion is the termination of pregnancy with the death and expulsion of the fetus at less than 20 weeks with a fetal weight of less than 500 grams, that is, before the fetus can live outside the womb independently

**RESEARCH METHODS**

The type of research carried out in this study is normative legal research, where normative legal research is a scientific research procedure to find the truth based on scientific logic viewed from the normative side.

**RESEARCH RESULTS AND DISCUSSION**

**A.Responsibility Of A Nurse In Participating In Abortion**

One of the crimes regulated in the criminal code is the problem of criminalist abortion. The provisions regarding criminalist abortion can be seen in Chapter XIV of Book II of the criminal code on crimes against life (in particular articles 346 – 349). As for the complete formulation of the articles : Article 299: 1. Whoever deliberately treats a woman or orders her to be treated with willful notifying or causing hope, that because of the treatment the

pregnant can be aborted, shall be sentenced to imprisonment for a maximum of 4 years or a maximum fine of three thousand rupiah.

#### B. Construction Of The Indictment Law Prepared By The Public Prosecutor In The Prosecution Of A Nurse's Criminal Liability In Participating In The Crime Of Abortion

Abortion of a child or fetus results in death for the child or fetus. Thus, any act that is violence against children especially if the violence causes the child to die, then the perpetrator shall be punished with imprisonment for a maximum of 15 (fifteen) years and/or a maximum fine of Rp.3,000,000,000.00 (three billion rupiah). It can not be denied even though in the legal setting in Indonesia abortion is a form of crime and can be punished, but the need for the practice of abortion remains high so that the practice of abortion is still done illegally or secretly. Here is the translation of the articles on abortion in the Criminal Code :

(1) Whoever intentionally treats a woman or does any act against a woman by informing her or encouraging her hope that she may be killed, shall be sentenced to imprisonment for four years or a fine of forty-five thousand rupiah.

(2) if he does this because he expects profit, from his work or his habit of committing the crime, or if he is a physician, a midwife, or a medicine-maker, the punishment may be increased by a third.

(3) If the guilty person commits the crime in his work, then he may be deprived of the right to do the work.

#### A. Conclusion

From the results of this study can be obtained the following conclusions :

1. The provisions of Law No. 23 of 1992 on Health, confirms the permissibility of abortion as an attempt to save the life of the mother and or fetus, this type of abortion is legally justified and received legal protection and with medical consideration.

2. Criminal accountability for abortion is regulated in the Book of positive Criminal Law Law in Indonesia, the regulation of abortion is contained in two laws, namely the Criminal Code Article 299, 346, 347, 348, 349 and 535 which expressly prohibits abortion for any reason and in the law no. 36 of 2009 on Health article 75,76,77,78 prohibits abortion but still allows abortion on medical indications and psychological trauma with certain conditions.

#### B. Suggestions

1. The need for the role of the government to be active in terms of anticipating unwanted pregnancies by launching socialization programs in each place.

2. It is necessary for the role of parents to guide their children by instilling religious education as the basis of social life, providing moral education and good behavior and conducting supervision.

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