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Legal Abortion: A Comparative Legal Study between Indonesia and Malaysia

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Abstract

This research aims to analyze how the law of abortion is implemented in Indonesia and Malaysia. The legal view is based on international law on human rights, namely the Universal Declaration of Human Rights (UDHR). The law of abortion in Indonesia specifically has been regulated in Law Number 36 of 2009 concerning Health. Furthermore, Islamic law is regulated in Fatwa the Council of Indonesian Ulama (*Majelis Ulama Indonesia*) Number 4 of 2005 concerning Abortion. Meanwhile, the law of abortion in Malaysia is regulated in Penal Code of Malaysia (*Kanun Keseksaan*) act 574, and Muzakarah Jawatankuasa Fatwa Majlis of Nationally for Hal Ehwal Ugama Islam Malaysia.

This research was conducted using normative research method where the materials of this study were emphasized on written regulations or studies on legal documents obtained from library materials. Furthermore, the data analysis method used in this study is qualitative data analysis. Therefore, the library material is connected to the theories to get answers of the problems.

Based on the results of this study, it can be concluded that the view of the Universal Declaration of Human Rights in the regulation regarding the law of abortion in Indonesia and Malaysia is already appropriate because the two countries prohibit the act of abortion, with the exceptions explained in the law of those countries. However, the strength of prevention and implementation has not been felt because there are still many abortion cases in Indonesia and Malaysia. The high rate of abortion has a negative impact on health in both countries, and has an impact on mental and physical health for both the suspect, victims and those who assist abortion.

Keywords: *Legal Abortion, Indonesia, Malaysia, UDHR*