

ABSTRACT

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THE 40-DAYS LIMITATION FOR ABORTION REQUIREMENTS TOWARDS EVIDENTIAL PROCESS

Abortion is the termination of a pregnancy or conception before the fetus can live outside the womb or the removal of the soul that is already in the fetus. Abortion is indeed prohibited under Indonesian law, but however, a certain condition is permissible to commit the act. The woman with medical conditions that may harm the mother and the baby or a woman from the victim of rape may be permissible to commit abortion under procedures that have been regulated by the prevailing laws. However, despite the room for the legality of abortion in Indonesia, there has been some regulation that tends to give double suffering for the woman who commits abortion, in this case, the woman who is the victim of the crime of rape. There is a regulation in which prohibits abortion when the gestational age reaches 40 days, where it may cause double suffering as the 40-days limitation oftentimes being considered insufficient.

Keywords: abortion, rape, and legal protection.