

Combating the Crime of Abortion and Midwife Selling Baby in Criminology Perspective

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ABSTRACT

Abortion or known as abortion provocatus is not only a medical or health problem, but also a problem that arises because humans follow Western civilization. According to Law No. 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons Article 1 paragraph (1), trafficking in persons is the act of recruiting, transporting, harboring, sending, transferring or receiving someone with threats of violence, use of force, kidnapping, confinement, forgery, fraud, abuse of power or position of vulnerability, debt bondage or giving payments or benefits, so as to obtain the consent of a person having control over another person, whether carried out within a country or between countries, for the purpose of exploitation or causing people to be exploited. The act of provocatus abortion is not allowed in the articles of the Criminal Code, even provocatus abortion is prohibited by rape victims for women, so it is clear that these articles (Article 341 and Article 342 of the Criminal Code) constitute abortion provocatus killing the child in the fetus. Efforts that can be made in providing legal protection to children as victims of criminal acts of trafficking in persons on the principle of legality have been regulated in the 1945 Constitution of the Republic of Indonesia and national legal regulations in the form of laws and Presidential Regulations as well as TAP MPR and are also regulated in the provisions of international law which have been adapted into Indonesian positive law. Efforts that can be made to ensure legal protection for children as victims of the crime of trafficking in persons are reflected in 3 stages, namely (a) at the time of the occurrence of the crime of trafficking in persons, (b) the stage of trial for the perpetrator of the crime of trafficking in persons (c) the stage after the court's decision on perpetrators of the criminal act of trafficking in persons concluded from the provisions of Law no. 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons and Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection.

ABSTRAK

Aborsi atau yang dikenal dengan istilah aborsi provokatus bukan hanya masalah medis atau kesehatan saja, tetapi juga masalah yang muncul karena manusia mengikuti peradaban Barat. Menurut Undang-Undang Nomor 21 Tahun 2007 tentang Pemberantasan Tindak Pidana Perdagangan Orang Pasal 1 ayat (1), perdagangan orang adalah perbuatan merekrut, mengangkut, menyembunyikan, mengirim, memindahkan atau menerima seseorang dengan ancaman kekerasan, penggunaan pemaksaan, penculikan, pengurungan, pemalsuan, penipuan, penyalahgunaan kekuasaan atau posisi rentan, jeratan hutang atau pemberian pembayaran atau keuntungan, untuk memperoleh persetujuan dari orang yang menguasai orang lain, baik yang dilakukan di dalam suatu negara atau antara negara, untuk tujuan eksploitasi atau menyebabkan orang dieksploitasi. Tindakan aborsi provokatus tidak diperbolehkan dalam pasal-pasal KUHP, bahkan aborsi provokatus dilarang oleh korban perkosaan bagi perempuan, sehingga jelas pasal-pasal tersebut (Pasal 341 dan Pasal 342 KUHP) merupakan aborsi provokatus yang membunuh anak dalam janin. Upaya yang dapat dilakukan dalam memberikan perlindungan hukum kepada anak sebagai korban tindak pidana perdagangan orang berdasarkan asas legalitas telah diatur dalam Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 dan peraturan hukum nasional berupa undang-undang dan Peraturan Presiden sebagai serta TAP MPR dan juga diatur dalam ketentuan hukum internasional yang telah diadaptasi menjadi hukum positif Indonesia. Upaya yang dapat dilakukan untuk

menjamin perlindungan hukum bagi anak sebagai korban tindak pidana perdagangan orang tercermin dalam 3 tahapan, yaitu (a) pada saat terjadinya tindak pidana perdagangan orang, (b) tahapan persidangan bagi pelaku tindak pidana perdagangan orang (c) tahapan setelah putusan pengadilan terhadap pelaku tindak pidana perdagangan orang disimpulkan dari ketentuan UU No. 21 Tahun 2007 tentang Pemberantasan Tindak Pidana Perdagangan Orang dan Undang-Undang Nomor 35 Tahun 2014 tentang Perubahan atas Undang-Undang Nomor 23 Tahun 2002 tentang Perlindungan Anak.

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INTRODUCTION

Based on Law No. 39 of 1999 concerning Human Rights, the meaning of the definition of human rights is a right that is inherent in the nature and existence of humans as creatures of God Almighty, and is His gift that must be respected, upheld and protected by the State, law, government, and everyone for the sake of honor and protection of human dignity.

Marriage is the basis for obtaining offspring that must be filled with a great sense of responsibility and have a leadership spirit for the head of the family in every bond. For this reason, consideration and planning are needed, including future planning and pregnancy planning.

Not all good news about pregnancy is expected by some women. One of the factors that some women do not want to get pregnant is because the pregnancy occurs due to rape, pregnancy outside of marriage, or pregnancy that has already occurred at the wrong time.

With these considerations and planning, the aim is to get a prosperous family and a much better life, because the purpose of marriage is to have children. In a marriage bond, the presence of children is a blessing for every married couple. If a woman who has been married for a long time, but the presence of a baby has not yet arrived, the couple is trying to get offspring. There is therapy through an obstetrician, to the point of incurring quite large costs so that pregnancy can occur, such as the IVF process. On the other hand, many couples are able to get children even without going through a long process, but the pregnancy is not wanted for economic reasons and the work environment. The couple then took actions that were not appropriate in the eyes of the law and violated religious rules, namely carrying out an abortion (Langie, 2014).

The Health Act provides for the issue of abortion which is substantially different from the Criminal Code. In this Criminal Code, there is no explanation of the meaning of the womb itself and gives a clear meaning regarding abortion and killing (killing) the womb. Thus we know that the Criminal Code only regulates criminal provocative abortions, where all types of abortions are prohibited and not allowed by law, whatever the reason. In its development, regulations regarding provocative abortion or criminal abortion can be found in Law No. 36 of 2009 concerning Health. If in Articles 299 and 346-349 of the Criminal Code there is no regulation on the issue of abortion provocative medicas. When examined further, the two regulations differ from each other. The Criminal Code recognizes prohibitions on provocative abortions without exception, including provocative abortions or provocative abortions.

However, Law No. 36 of 2009 actually allows for abortions to occur provocateurs medically with therapeutic specifications. In the context of criminal law, there is a difference between the old laws and regulations (KUHP) and the new laws and regulations. Whereas the legislation here applies the

principle of "lex posteriori derogat legi priori". In addition to this act of abortion, there are also problems that occur in the community today, namely child trafficking. Children are the hope of parents, nation and state because they are the ones who will become the nation's successors. With the magnitude of our expectations of children, it is appropriate if the right to life owned by a child to grow and develop in accordance with his nature must be guaranteed. Child trafficking is currently widely discussed in society (Afita & Yensi, 202).

The criminalization of human trafficking, including child trafficking, is not a new problem, but this human trafficking is a protracted problem and there is no concrete settlement point. (Ayu et al., n.d.) This is due to the limited understanding of the community at the grassroots level of the problem of human trafficking itself. This has resulted in cases of child trafficking from year to year, but there are still many cases.

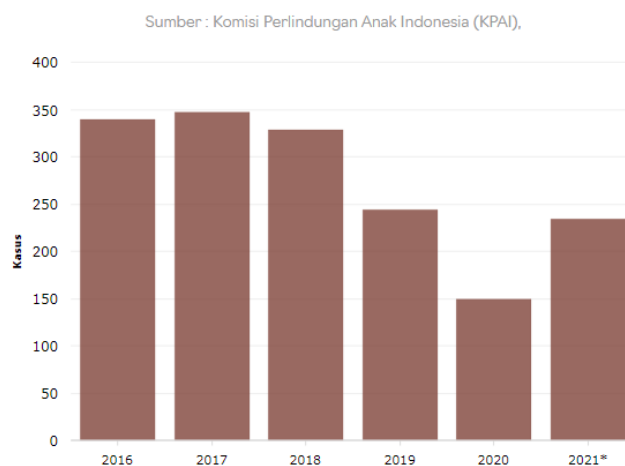


Figure 1. Graph of Child Trafficking Cases

source: Komisi Perlindungan Anak Indonesia (KPAI)

Cases of exploitation and trafficking of children in Indonesia have shown a downward trend throughout 2017-2020. However, the numbers will rise again in 2021. Based on data from the Komisi Perlindungan Anak Indonesia (KPAI), there were 340 cases of exploitation and trafficking of children that occurred in 2016. That number had increased to 347 cases in 2017, then fell again to 149 cases in 2020. However, cases of child exploitation and trafficking have increased again this year. Until April 2021 alone, there have been 234 cases of exploitation and trafficking of children that have occurred in the country.

Of these, 217 cases were related to prostitution, as many as 14 cases are exploitation, while three cases are child trafficking. On that basis, KPAI has asked parents to be careful and alert to various modes of exploitation and trafficking of children. Child traffickers usually use job vacancies, giving gifts, or scholarships as their modus operandi. KPAI also asked all parties to conduct education to prevent cases of exploitation and trafficking of children. This education can be carried out by parents, teachers, school principals, religious leaders, and so on.

METHOD

Abortion or known as abortion provocatus is not only a medical or health problem, but also a problem that arises because humans follow Western civilization. (Batubara et al., 2020) . If interpreted in layman's terms, the term abortion refers to the meaning of abortion. This is also interpreted by the occurrence of the fertilization process which results in premature conception. Referring to the equivalent meaning of the English-Indonesian dictionary, the word Abortion means abortion. Blaks's Law Dictionary calls abortion in Indonesian as abortion. This refers to the word "The spontaneous or artificially induced expulsion of an embryo or fetus. As used in illegal context refers to induced abortion". (Susanti, 2012) Based on the translation of this meaning, Blaks's Law

Dictionary states that in abortion there is a deliberate attempt to cause the death or expulsion of the embryo/fetus. This does not occur naturally because there is a mixture of provocation from certain communities.

It is explained in the Indonesian Encyclopedia that pregnancy can be terminated intentionally at 28 weeks (before gestation). This period is estimated when the weight of the fetus reaches 1,000 grams. Termination of pregnancy is also known as abortion. Below are presented the views of experts on abortion.

- a. Eastman defines abortion as an terminated pregnancy. This termination occurs when the fetus has not been able to live independently outside the uterus. This inability occurs when the fetus is
- b. Jeffcoat defines abortion as the product of conception delivered before 28 weeks. Abortion is the expulsion of the product of conception before 28 weeks.
- c. Holmer suggests that abortion is an attempt to terminate a pregnancy when delivery has not been completed. This happens before the 16th week.
- d. Untimely discharge from the uterus is known as abortion (*Abortus provocatus*). Expenses in the view of abortion are done intentionally in various ways, such as intentionally treated, mechanically, or in other ways through human intervention. So in terms of legal science, that abortion is an act that is intentionally carried out or carried out prematurely.

Based on the Republic of Indonesia Health Law No. 36 of 2009, Article 75 that everyone is prohibited from having an abortion can be excluded based on an indication of a media emergency that is detected from an early age of pregnancy and this rule is strengthened by Article 77 which states that the government is obliged to protect and prevent women from having an abortion as referred to in Article 75 regarding abortion not qualified, unsafe, and irresponsible as well as contrary to religious norms and the provisions of laws and regulations. Although there are differences between the Criminal Code and the Health Law No. 36 of 2009 concerning abortion, in the Health Law No. 36 of 2009 media workers are allowed to perform legal abortions on pregnant women for medical reasons with the consent of the woman concerned accompanied by her husband and family. Not only married couples who have abortions, but there are also couples who are not bound in a marriage. This is the impact of increasingly free association between men and women. At first they just dated like a normal courtship style, but after a long relationship, the couple also had a relationship that is usually done by married couples, which eventually resulted in an unwanted pregnancy. With that unwanted pregnancy, then the search for a way is to have an abortion. Usually, abortions are carried out after 12 (twelve) weeks of pregnancy, because the stomach is already visibly enlarged. This act of abortion invites controversy, where there are those who argue that abortion should be legalized and there are those who think that it should not be legalized. The legalization of abortion is intended to reduce abortions carried out by incompetent people, such as traditional birth attendants. As long as abortion is not legalized, the maternal mortality rate due to abortion will continue to increase. There are those who categorize abortion as murder, prohibit it in the name of religion or state that the unborn baby also has the right to life and must be defended, and others. Abortion for medical reasons is legal. However, abortion for rape victims is still in the gray area. Although allowed, not all doctors want to do it. With the occurrence of unwanted pregnancies, the perpetrators of abortion are looking for ways to have an abortion. One of them is by looking for a shaman or midwife who can help so that the abortion can occur regardless of whether or not it is safe for the life of the mother-to-be. (Rifai, 2012)

The World Health Organization (WHO) estimates that there are 20 million unsafe abortions in the world, 9.5% (19 of 20 million unsafe abortions) of which occur in developing countries. About 13% of all women who have unsafe abortions end up dying. The risk of death from unsafe abortion in the Asian region is estimated to be 1 in 3700 compared to abortion. In Southeast Asia, WHO estimates that 4.2 million abortions are carried out annually, and about 750,000 to 1.5 million occur in Indonesia, of which 2,500 end in death. The abortion rate in Indonesia is estimated at 2.3 million per year. About 750,000 of them are done by teenagers.

Based on a survey conducted by the Badan Kordinasi Berencana Nasional (BKKBN) it was found that the number of teenagers who had sex at the age of junior high school to senior high school in Indonesia reached 57% to 63%. Nationally, it is even higher at 67%. While 21% of them have had an abortion.

In the Indonesian Criminal Code (KUHP), it is known that there are threats to perpetrators of acts of deprivation of the right to human life, in this case such as premeditated murder which can be punishable by death, besides that there is also persecution that causes the death of others, including murder involving the death penalty. carried out on babies who are still in the womb, which is known as the crime of abortion. (Soge, 2009)

In the Criminal Code, articles that discuss the crime of abortion include articles 299, 346, 347, 348, 349, and 535 which talk about abortions carried out by a woman, doctor, expert, or other party without or intentionally abort a woman's womb either through the consent or not with the consent of the pregnant woman.⁵ Abortion (abortion) is always a conversation, both in forum ³ <http://www.kompas.com/ver1/Kesehatan/0609/15/020926.htm> ⁴ Ibid ⁵ <http://law.unsrat.ac.id/uu/kuhpidana.htm> official or unofficial which concerns the fields of medicine, law and other disciplines. Abortion is a social phenomenon that is increasingly worrying. This concern is not without reason, because so far the behavior of abortion has caused many negative effects both for the perpetrators themselves and on the wider community. This is because abortion involves the moral and legal norms of a nation's life. ⁶ Discussing the issue of abortion is no longer an open secret and a taboo subject to discuss. This is because abortion that occurs today has become an actual thing and events can occur everywhere and can be carried out by various groups, whether it is done legally or done illegally. In looking at the legal position of abortion in Indonesia, it is very necessary to review what is the purpose of the act of abortion. So far, the issue of abortion is generally considered by most people as a crime. However, in positive law in Indonesia, abortion in certain cases can be justified if it is a medical provocateur abortion.

RESULT AND DISCUSSION

Child Trafficking

According to Law No. 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons Article 1 paragraph (1), trafficking in persons is the act of recruiting, transporting, harboring, sending, transferring or receiving someone with threats of violence, use of force, kidnapping, confinement, forgery, fraud, abuse of power or a position of vulnerability, debt bondage or giving payments or benefits, so as to obtain the consent of a person having control over another person, whether carried out within countries or between countries, for the purpose of exploitation or causing people to be exploited (Ayu et al., n.d.). There are three main elements contained in the definition of trafficking in children or persons, namely:

a. action element

Namely recruiting, transporting, transferring, hiding and receiving

b. facility element

Namely threats, use of coercion, various forms of violence, kidnapping, fraud, fraud, abuse of power or a position of vulnerability giving/receiving or benefiting to obtain the consent of a person having control over the victim.

c. goal element

Exploitation, at least for prostitution or other forms of sexual exploitation, forced labour, slavery, inhibition and organ harvesting.

Human is a werewolf to other humans so that living man is always haunted by fear because around his life there is a threat and a sense of unease always occurs in that life, so in order to achieve a serene and safe life, then humans gather and make covenants. The establishment of regulations related to the criminal act of trafficking in persons is experiencing a need so that many internationally and nationally have discussed this crime and made it into a regulation or legal provision that

hopefully can stop or even eradicate the crime of trafficking. The provisions of international law on trafficking have existed even since a long time ago and continue to develop until now. Provisions on trafficking are regulated in the Criminal Code (KUHP) but also regulated outside the Criminal Code (Tegar, 2015).

Trafficking in persons is also known in the Criminal Code in Article 297 of the Criminal Code, namely "Trading women and trading men who are immature, punishable by imprisonment for a period of six years. (K.U.H.P. 37, 296,298)." This article concludes that the victims in this crime are women and men who are still immature or in other words still have the status of children. Regulations governing trafficking crimes outside the Criminal Code consist of provisions or regulations of international law on trafficking and provisions of the national law of the State of Indonesia (Abdullah, 2017). Traffickers in Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons are Persons and Corporations and in this law there is a regulation regarding children who are victims in trafficking crimes (Article 1 paragraph (4) and Article 17) (Daud & Sopoyono, 2019).

Abortion Criminology Perspective

The act of provocatus abortion is not allowed in the articles of the Criminal Code, even provocatus abortion is prohibited by rape victims for women, so it is clear that these articles (Article 341 and Article 342 of the Criminal Code) constitute abortion provocatus killing the child in the fetus.

The specific arrangement of the abortion provocatus action is regulated in two, namely:

- a. KUHP (Articles 299, 346, 347, 348, 349 and 535)
Clearly explain that abortion is prohibited for any reason. The KUHP regulation itself does not contain articles that allow a doctor to perform abortion provocatus on medical indications, even though it saves the soul of the mother, in practice a doctor who performs abortion provocatus is not punished, if he has a strong reason that can be accepted by the judge.
- b. Law Number 36 of 2009 concerning Health contains Articles 75, 76, 77 and 78
Explain clearly that prohibiting abortion provocatus for media indications and trauma that cause mental dysfunction with certain provisions. As Article 15 paragraphs (1) and (2) confirms that it is permissible to perform abortion provocatus on the grounds of saving the life of the mother, or the fetus. This provocatus abortion is legally justified if it is considered medical, in the event that doctors and medical/health personnel have the authority to carry out provocatus abortion to save the life of the mother or fetus and all this is with the consent of the mother, husband and family.
- c. Abortus provocatus is carried out legally, as a crime or crime against women's reproduction (Batubara et al., 2020). Regarding legal abortion provocatus, it has been formulated in Law Number 36 of 2009 concerning Health, it is explained that it is an indication that the media, medical/health personnel have expertise. and its authority in handling abortion, with the consent of the mother, husband and family, and lastly, health facilities designated by the government.
- d. The act of abortion provocatus has been stipulated in the Criminal Code regarding crimes of morality (Article 299) and crimes against life (Article 346 and Article 349). The problem of provocatus abortion has been emphasized in Law Number 36 of 2009 concerning Health which contains abortion provocatus, although in medical practice it contains various reactions and causes controversy in the community, Law Number 36 of 2009 concerning Health is allowed to practice abortion provocatus. (Fransiska, 2021) Provisions regarding guarantees for everyone to carry out reproduction are regulated in Article 72 of Law Number 36 of 2009 concerning Health that women who have an unavoidable need for pregnancy for certain reasons, if the woman's pregnancy really threatens the safety of the mother's life. In principle, cases of abortion provocatus that are currently developing are related to self-defense.

The obligation of a doctor and other medical personnel to refuse (assist) a woman's abortion provocatus and is not responsible for her womb. Legal efforts to overcome or prevent the occurrence of the crime of abortion provocatus, including

- a. Consultation with doctors and medical experts
- b. Dissemination to village officials with doctors or the field

- c. Provide opportunities to work in order to reduce unemployment, due to unemployment it can lead to having more than two children
- d. Conducting subject matter on reproductive health at the junior high, high school and college levels
- e. Conduct counseling or seminars to schools or colleges to find out about the dangers of abortion provocatus as a result of wrong promiscuity.
- f. Approaching religion, the act of abortion provocatus is an act that is dangerous for the mother and the fetus. In this case, the act he committed is sinful and is clearly prohibited by religion.
- g. Control from both parents must also be considered, because a lack of supervision will have an impact on a broken home. With these problems, the child will fall into the wrong association
- h. There are many loopholes that are done and exploited by free sex, because of the life in big cities today, if you look at the data, people want abortion provocatus because the reason the victim is raped or has an affair, then there is a pregnancy outside of marriage. Many deny that abortion provocatus is very painful, however there is another way to deal with abortion provocatus because it is self-destructive. Even though men can walk away arbitrarily, women's suffering for abortion provocatus is very painful due to being raped (Valentina, 2017). So the solution is to provide proper sex education because having free sex requires religious education so that morals and awareness are high, it is recommended to use the safest and most protected contraceptive method so that pregnancy does not occur and before acting, you must think about it for a moment.

Abortus provocatus

If interpreted in layman's terms, the term abortion refers to the meaning of abortion. This is also interpreted by the occurrence of the fertilization process which results in premature conception. Referring to the equivalent meaning of the English-Indonesian dictionary, the word Abortion means abortion.³⁶ Blaks's Law Dictionary refers to abortion in Indonesian as abortion. This refers to the word "The spontaneous or artificially induced expulsion of an embryo or fetus. As used in illegal context refers to induced abortion"(Widiastuti, 2010). Based on the translation of this meaning, Blaks's Law Dictionary states that in abortion there is a deliberate attempt to cause the death or discharge embryo/fetus. This does not occur naturally because there is a mixture of provocation from certain communities.

The forms of legal efforts to prevent and take action against abortion provocatus include:

a. Preventive Measures (prevention)

The authorities anticipate the circumstances that occur in abortion provocatus starting from raids to night entertainment venues, sales or rental of VCD cassettes, porno bookstores and internet cafes, because of the proliferation of night entertainment venues, pornographic VCDs, porno bookstores and internet cafes which will have an impact on abortion actions. Provocatus, especially victims of rape and infidelity or prostitution. Therefore, the authorities carry out strict supervision and pay attention to security. The authorities seek preventive measures, including a religious approach, working with religious leaders and conducting raids. In addition to the religious approach through a religious shop, the apparatus (police) provides an understanding of the community, especially among teenagers. The act of abortion provocatus is against the law and can be subject to sanctions. Preventive efforts (prevention) here are to reduce the crime of abortion provocatus in a systematic, planned, integrated and directed manner (Hidayatullah, 2017). Prevention efforts are defined as steps to change the environment by reducing the crime of abortion provocatus. The goal is to maintain the sustainability of human life to remain safe and prosperous

b. The prevention carried out by abortion provocatus include:

- 1) Moral activities in the steadfastness of faith and the mentality of the community, such as scholars, teachers or the community
- 2) Conduct scientific research in order to gain knowledge related to the crime of abortion provocatus
- 3) Law enforcement in coordination with the apparatus (police), civil apparatus and the community.

The criminal provisions regarding criminal provocative abortion in law no. 36 of 2009 are considered good because they contain a general prevention and a special prevention to reduce the crime rate of criminal abortion. By feeling such a severe criminal threat, it is hoped that criminalist abortionists will become deterrent and not repeat their actions, in the legal world this is referred to as a special invention, which is an effort to prevent criminalist provocative abortionists from repeating their actions. In formulating criminal threats, the framers of the law only give a maximum limit, which is a maximum of ten years and a maximum fine of Rp. 1,000,000,000,000,- (one billion). The criminal provisions regarding criminal provocative abortion in law no. 36 of 2009 are considered good because they contain a general prevention and a special prevention to reduce the crime rate of criminal abortion. By feeling such a severe criminal threat, it is hoped that criminalist abortionists will become deterrent and not repeat their actions, in the legal world this is referred to as a special invention, which is an effort to prevent criminalist provocative abortionists from repeating their actions.

Repressive Efforts (action)

Repressive action means a way to deal with crime by taking action or punishing the perpetrators of crimes in accordance with the applicable legal rules. Enforcement or punishment is a retaliation or punishment for criminals in order to provide a deterrent effect. The repressive efforts include conducting raids, arrests, detentions, trials and punishments. Therefore, cooperation with the police (police) and government officials is needed in tackling the crime of abortion provocatus. The goal is for the community and the apparatus to provide information or assistance to each other in revealing cases of the crime of abortion provocatus. The act of abortion provocatus is not the same as the crime of murder. Circulating social media reports that those who carry out abortion provocatus are cold-blooded killers or simple murderers. The act contains a sin for the crime he has committed and can be held accountable for what he did, because it has harmed people and even includes seizing the right of the fetus to live. Thus, the form of efforts to overcome the crime of abortion provocatus is to enforce the law fairly and wisely in any form of action.

Article 346 of the Criminal Code reads A woman who with the intention of carrying out an abortion or terminating her pregnancy or ordering someone else to do so, shall be subject to a maximum imprisonment of four years. Article 347 of the Criminal Code reads:

- a. Any person with the intention of having an abortion or terminating a woman's pregnancy without her consent, shall be subject to a maximum imprisonment of twelve years.
- b. If the action causes the death of the woman, she is subject to a maximum imprisonment of fifteen years.

Article 348 of the Criminal Code reads:a

- a. Anyone with the intention of aborting or terminating a woman's pregnancy with her consent, shall be subject to a maximum imprisonment of five years and six months.
- b. If the act causes the death of the woman, she is subject to a maximum imprisonment of seven years.

Article 349 of the Criminal Code reads If a doctor, midwife or pharmacist assists in committing a crime under Article 346, or commits or assists in committing one of the crimes described in Articles

347 and 348, the penalty specified in that article may be increased by one third and rights may be revoked. to carry out the disbursement during the time the crime was committed.

Article 76 C of Law Number 35 of 2014 concerning Child Protection Everyone is prohibited from placing, letting, committing, ordering to do, or participating in committing violence against children.

Article 80 of Law Number 35 of 2014 concerning Child Protection reads that anyone who violates the provisions as referred to in article 76C, shall be punished with imprisonment for a maximum of 3 (three) years and 6 (six) months and/or a maximum fine of Rp.72,000. 0000.00 (seventy-two million rupiah).

Article 194 of Law Number 36 of 2009 concerning Health Any person who intentionally performs an abortion not in accordance with the provisions as referred to in Article 75 paragraph (2) shall be sentenced to a maximum imprisonment of 10 (ten) years and a maximum fine of Rp.1,000. 000,000.00 (one billion rupiah). The criminal sanctions regulated in the Health Law Number 36 Year 2009 are as follows:

- a. The Crime of Deliberately Taking Actions on Pregnant Women (Article 194) shall be punished with a maximum imprisonment of 10 (ten) years and a maximum fine of Rp. 1,000,000,000.00 (One billion rupiah).
- b. Criminal Acts of Health Service Facility Leaders and/or Health Workers Not Providing First Aid to Patients in Emergency Conditions (Article 190).
- c. Sentenced to a maximum imprisonment of 2 (two) years and a maximum fine of Rp. 200,000,000.00 (two hundred million rupiah).
- d. Sentenced to a maximum imprisonment of 10 (ten) years and a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah).

Overview of Child Trafficking Criminology

The factors that influence human trafficking, especially against children in general, are due to poverty, lack of education, lack of information and being in socio-cultural conditions that are less favorable for their development. Socio-cultural conditions that adhere to patriarchal understanding that place women as a subordinate group (bottom) who are very vulnerable to all acts of violence and human trafficking. (Ayu et al., n.d.) Efforts that can be made in providing legal protection to children as victims of criminal acts of trafficking in persons on the principle of legality have been regulated in the 1945 Constitution of the Republic of Indonesia and national legal regulations in the form of laws and Presidential Regulations as well as TAP MPR and are also regulated in the provisions of international law which have been adapted into Indonesian positive law. Efforts that can be made to ensure legal protection for children as victims of the crime of trafficking in persons are reflected in 3 stages, namely:

- a. at the time of the crime of trafficking in persons,
- b. the stage of the trial of the perpetrators of the crime of trafficking in persons
- c. the stage after the court's decision on the perpetrator of the criminal act of trafficking in persons concluded from the provisions of Law no. 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons and Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection.

CONCLUSION

The forms of legal efforts to prevent and take action against abortion provocatus include (a) Preventive Efforts (prevention). The authorities anticipate the circumstances that occur in abortion provocatus starting from raids to night entertainment venues, sales or rental of VCD cassettes, porno bookstores and internet cafes, because of the proliferation of night entertainment venues, pornographic VCDs, porno bookstores and internet cafes which will have an impact on abortion actions. provocatus, especially victims of rape and infidelity or prostitution. Therefore, the

authorities carry out strict supervision and pay attention to security. The authorities seek preventive measures, including a religious approach, working with religious leaders and conducting raids. In addition to the religious approach through a religious shop, the apparatus (police) provides an understanding of the community, especially among teenagers.

The act of abortion provocatus is against the law and can be subject to sanctions. Preventive efforts (prevention) here is to reduce the crime of abortion provocatus in a systematic, planned, integrated and directed manner. Prevention efforts are defined as steps to change the environment by reducing the crime of abortion provocatus. The goal is to maintain the sustainability of human life to remain safe and prosperous. (b) Repressive Efforts (action). Repressive action means a way to deal with crime by taking action or punishing the perpetrators of crimes in accordance with the applicable legal rules. Enforcement or punishment is a retaliation or punishment for criminals in order to provide a deterrent effect. The repressive efforts include conducting raids, arrests, detentions, trials and punishments. Therefore, cooperation with the police (police) and government officials is needed in tackling the crime of abortion provocatus

Efforts that can be made to ensure legal protection for children as victims of the crime of trafficking in persons are reflected in 3 stages namely:

- (a) at the time of the occurrence of the crime of trafficking in persons;
- (b) the trial stage for the perpetrators of the crime of trafficking in persons;
- (c) the stage after the court decision on the perpetrators of the criminal act of trafficking in persons concluded from the provisions of Law no. 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons and Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection (Dewi, 2020; Fauzi, 2019).

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