

## **Comparative analysis: Indonesia vs. The Netherlands in regards to legalization of abortion**

Author:

Teresa Nikkita Levana<sup>1</sup> and Sri Wiyanti Eddyono<sup>2</sup>

### **ABSTRACT**

Indonesia's criminal code is an adoption of the Dutch's criminal code. However in the Netherlands has changed their criminal code into legalizing abortion. Nonetheless, Indonesia still hasn't legalize abortion up till now. In comparing with the Netherlands Indonesia still has several considerations on why abortion is still not legal in Indonesia. One of the considerations that Indonesia takes into account is the culture and how policy changing is still pretty difficult in Indonesia. Rape victims on abortion still has a pretty high number in Indonesia and the law itself is still vague when it comes to rape cases. On the other hand, the Netherlands has fully developed their own abortion law and uses a different approach compared to Indonesia when it comes to their sex education or their views on abortion. This Legal Research aims to compare the conditions between the Netherlands and Indonesia, to see if whether or not Indonesia will be able to again adopt the Dutch Criminal code.

This Legal Research uses Juridical-normative research method and comparative approach. For the juridical-normative method, this Legal Research relies on the laws and regulations that has been implemented in Indonesia and other related literature studies. For the comparative approach, this Legal Research is conducted by comparing laws and regulations and the views and approach in regards to abortion of the Netherlands with Indonesia.

This Legal Research comes to conclusion that *firstly*, the Netherlands has made progress with their abortion law because their views on abortion is on a better sex education system. Their sex education system, instead of discouraging sexual intercourse is to help teenagers know more about what is safe sex. Other than that, after the legalization of abortion, the abortion rate is still low and their maternal mortality rate still remains low as well. *Secondly*, Indonesia decided to keep adopting the old Dutch Criminal Code, because there are many factors that needs to be taken into account like religion and culture. There are also advantages and disadvantages for Indonesia if they were to legalize abortion.

**Keywords: Abortion, Legalization**

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<sup>1</sup> Student of the Faculty of Law Universitas Gadjah Mada (S1 IUP 2016).

<sup>2</sup> Lecturer at the Department of Criminal Law, Faculty of Law Universitas Gadjah Mada.

## ***Analisis Komparatif: Indonesia vs. Belanda dalam hal legalisasi aborsi***

Oleh:

Teresa Nikkita Levana<sup>1</sup> dan Sri Wiyanti Eddyono<sup>2</sup>

### **INTISARI**

*Kitab Undang-Undang Hukum Pidana diadopsi dari Kitab Undang-Undang Hukum Pidana Belanda. Namun, Kitab Undang-Undang Hukum Pidana Belanda sudah melegalkan aborsi dan sampai saat ini, Indonesia belum melegalkan aborsi. Jika dibandingkan dengan Belanda, Indonesia mempunyai beberapa pertimbangan tentang mengapa aborsi belum dilegalkan di Indonesia. Salah satu pertimbangannya adalah budaya dan pergantian kebijakan masih sulit di Indonesia. Korban dari pemerkosaan yang melakukan aborsi memiliki jumlah yang tinggi di Indonesia, dan hukum mengenai aborsi dalam kasus pemerkosaan sendiri masih rancu. Di lain sisi, Belanda sudah mengembangkan hukum mengenai aborsi dan menggunakan pendekatan yang berbeda dari Indonesia dalam hal pendidikan seksual dan pandangan mereka terhadap aborsi. Penelitian Hukum ini bertujuan untuk membandingkan kondisi antara Indonesia dan Belanda dan melihat apakah Indonesia dapat kembali mengadopsi Hukum Pidana Belanda.*

*Penelitian Hukum ini menggunakan pendekatan yuridis-normatif dan pendekatan komparatif. Dalam hal pendekatan yuridis-normatif, Penelitian Hukum ini bergantung kepada hukum dan peraturan yang berlaku di Indonesia dan studi literasi. Dalam hal pendekatan komparatif, Penelitian Hukum ini dilakukan dengan membandingkan hukum, peraturan, pandangan, dan pendekatan tentang aborsi di Indonesia dan Belanda.*

*Penelitian Hukum ini memiliki kesimpulan bahwa pertama, Belanda telah membuat kemajuan dalam hukum mengenai aborsi karena Belanda mempunyai pandangan terhadap pendidikan seksual yang lebih baik. Pendidikan seksual Belanda, memberi panduan mengenai hubungan seksual yang aman daripada tidak mendorong hubungan seksual. Selain itu, setelah melegalkan aborsi, angka dari aborsi masih dan angka kematian ibu masih sangat rendah. Kedua, Indonesia masih mengadopsi Kitab Undang-Undang Hukum Pidana Belanda yang lama, karena beberapa factor seperti agama dan budaya. Ada terdapat beberapa keuntungan dan kerugian untuk Indonesia jika Indonesia ingin melegalkan aborsi.*

**Keywords: Aborsi, legalisasi**

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<sup>1</sup> Student of the Faculty of Law Universitas Gadjah Mada (S1 IUP 2016).

<sup>2</sup> Lecturer at the Department of Criminal Law, Faculty of Law Universitas Gadjah Mada.