



**Legal Analysis of Induced Abortion Actions Against Rape Victims
According to Law Number 36 of 2009
About Health**

Ayu Wulandari, Citrawati Mena Simatupang, Sarianti Aruan, Marulitua Tambunan¹

¹⁾ Putera Batam University of Indonesia

Abstract

A doctor can exercise medical authority based on the authority he has as a health worker, but of course this action cannot be carried out by a doctor, this is related to the applicable legal provisions and the medical procedures that must be carried out. The research method used by the researcher is The research specification used is descriptive analytical. The normative legal approach method, namely legal research that prioritizes how to research secondary data, in the form of positive law and how it is implemented in practice. Data Collection Techniques are literature studies, namely by searching for and collecting and reviewing laws and regulations, draft laws from research results, scientific journals. The conclusion obtained in this study Medical Practice suggests that there is no medical action performed by a doctor that is wrong (malpractice) as long as the patient does not feel disadvantaged. Legal protection for doctors who perform abortions according to Law Number 36 of 2009 concerning Health in conjunction with Government Regulation Number 61 of 2014 concerning Reproductive Health is that as long as the procedural requirements are carried out, there is no legal responsibility, in addition, as long as the conditions faced are emergency situations, there is professional responsibility.

Keywords : Doctor, Abortus Provocatus, Health Law

Introduction

Indonesia is a developing country accompanied by technological developments and advances in medical science, doctors in operating their profession in society experience a dilemma while medical science is so advanced while legal science is still outdated. The current reality is that the progress of medical science related to legal science such as abortion, test tube babies, euthanasia and so on still has no clear regulation. Therefore, if a case occurs between a doctor and a patient, it is not easy for law enforcement officers to determine who is guilty because doctors should also receive legal protection.

Based on Health Law Number 36 of 2009 concerning Health, medical action (abortion), as an effort to save pregnant women and/or their fetuses can be carried out by



health workers who have the expertise and authority to do so and are carried out in accordance with professional responsibilities and considerations of the team of experts. This shows that abortions carried out are legal or can be justified and protected by law and all actions carried out by health workers against women's reproductive rights are not a criminal act or crime. So far, abortions by medical personnel have been carried out when there are medical indications, for example, mothers with serious illnesses that threaten their lives.

The advancement of medical science and the development of technology are very important in the context of enforcing criminal law. In criminal law, medical science is used to help find material truth in the trial process called forensic medicine, or forensic medicine, while the legal regulations on health services or treatment are called medical health law or health law. With the development of technology and the advancement of medical science and the existence of strict legal regulations, there are still many people who carry out acts of induced abortion, even in our society, especially in big cities, murders are often committed by humans to other humans by means of abortion, both classically and modernly.

Murder or abortion is a crime and a condemnable act that can disrupt public order in society and the state. In some countries, especially western countries, abortion is also carried out to save the fetus or baby in the womb, this is because the fetus or baby in the womb can be classified as old enough and able to live outside the womb, while the mother who is carrying it is in a state of death or dying. Incidents like this require the rescue of the fetus or baby considering that its age can be said to be perfect.

Other forms of abortion are carried out for medical treatment or indications and psychological indications, as well as induced abortions carried out with malicious intent. The above is emphasized in the Law, but can be used as an exception to the articles of the Criminal Code regarding the prohibition of abortion because the perpetrators of such acts cannot be subject to criminal sanctions as stated by R. Soesilo in his book on comments on the articles of the Criminal Code, namely "If doctors and so on abort or kill a pregnancy for reasons of birth control, to save lives or maintain women's health, they are not punished".

Thus, the articles regulating the prohibition of abortion in the Criminal Code are no longer effective and outdated. In modern countries, some have allowed or legalized all forms of abortion, some are still in the process of fighting for abortion to be legalized. However, in



many countries, especially developing countries and religious centers such as Indonesia, the issue of abortion is a problem that is still considered a prohibited act in society by state law.

Today's medical science is advancing rapidly from electronic and computerized diagnostic tools to sophisticated therapeutic equipment. For example, people who experience kidney failure do not have to die immediately, they can still be given the opportunity for extension through kidney dialysis to kidney transplantation, likewise a damaged heart can be replaced with an artificial heart. In the world of medical science, it turns out that medicines are also progressing towards perfect treatment for diseases. Seeing this reality, legal science must be able to adjust to subjective medical science.

Abortus induced is a murder committed against a fetus that is still in the womb, this murder is an unlawful act. One of the abortion cases that became the center of attention in the mass media was an abortion case involving 10 people suspected of practicing abortion and around 5,400 baby fetuses were successfully found by the Special Crime Directorate of Polda Metro Jaya. The ten perpetrators who were named as suspects consisted of two obstetricians with the initials Dr. MN and Dr. Li, four polyclinic employees YN, AE, SA, DW, and four brokers or brokers who were tasked with finding victims, namely Li, Sm, Ww, and Ro. The disclosure of this abortion case is included in the largest category in the jurisdiction of Polda Metro Jaya during 2016.

Based on information obtained by the Directorate of Special Crimes of the Jakarta Metro Police, the perpetrator admitted that every day he received an average of three patients who wanted to abort their pregnancies, so that if multiplied by five years, it is estimated that the number of fetuses that had been aborted reached 5,400 fetuses. Talking about the abortion rates set by the illegal clinic, each patient who was three months pregnant was asked for an abortion fee of IDR 2.5 million. While for those who were more than three months pregnant, the price was set at IDR 5 million. Another case related to the medical profession as a professional in medical matters is the case of The High Court in *Rogers v Whitaker*. The high court in *V Rogers Whitaker* had to deal with a case where the plaintiff underwent surgery on her right eye. The plaintiff had been blind for years, Dr. Rogers suggested surgery that could improve the appearance of the eye. Dr. Rogers did not say that the risk of success was 1: 14000. Dr. Rogers was sued on the basis that he had been negligent in not providing advice



related to the risks of surgery, because with the information given, it is likely that the plaintiff would not want to undergo the surgery.

This problem is a standard problem of medical action that must be done, with the element of negligence of standard procedures, it can also be said that a medical violation has occurred because of the failure of family planning. Although the family planning program organized by the government to limit the birth rate using various contraceptives can be said to be successful, there are still some who experience failure because the available contraceptives are still not perfect so they feel they have a provoked abortion.

Therefore, the author is very interested in conducting research to obtain a clear picture of the criminal law review of the act of induced abortion carried out by doctors. Based on the description above, the author wants to research this matter which is contrary to the purpose of the law itself, the purpose of the law is to achieve the purpose of the law, namely to uphold an orderly social order and uphold order and balance. It is hoped that with the formation of a social order, the interests of humanity will be protected. To achieve this goal, the law is responsible for dividing rights and obligations between individuals in society, sharing power, and standardizing methods for resolving legal problems and maintaining legal certainty.

Based on the above explanation, this paper will analyze **the Legal Analysis of Induced Abortion Actions Against Rape Victims According to Law Number 36 of 2009 Concerning Health**. In the discipline of law, it is said and divided into 2 (two) types of research, namely, Normative and Empirical research. In this study, the author uses Normative research, where this research focuses on a secondary approach called research in the form of applicable laws and legal rules and primary data as supporting data. the purpose of law is to guarantee legal certainty based on justice to uphold an orderly social order and balance in relations between individuals in society. It is hoped that with the formation of an orderly social order, the interests of humanity will be protected. To achieve this goal, the law is responsible for dividing rights and obligations between individuals in society, sharing power, and standardizing methods for resolving legal problems and legal certainty.

Based on the description above, the following problem formulation can be drawn:

- 1) Is the act of induced abortion on rape victims in accordance with Law Number 36 of 2009 concerning Health?



- 2) What is the process for resolving criminal and medical abortion provocatus cases?

Research methods

In conducting this research, the researcher uses a normative legal research type. Normative legal research is conceptual legal research as contained in statutory regulations and conceptually contained in other legal rules that exist in society regarding a particular legal problem. In this research, the researcher uses a normative research type, namely research conducted by examining statutory regulations. or other regulations applied in resolving a particular legal problem. This normative research is often called doctrinal research where the object of study is is a document of statutory regulations and library materials which are basic data which in research science are classified as secondary data. According to Soerjono Soekanto, legal research can be divided into: Normative Legal Research, consists of:

1. Research on legal principles
2. Research on legal systematics
3. Research on the level of legal synchronization
4. Legal history research
5. Comparative legal research

In accordance with the type of research, namely normative legal research (normative juridical), more than one approach can be used. In this study, the Legislation approach and the concept approach were used . The Legislation Approach is carried out to examine the Legislation rules that regulate In the perspective of legal theory, justice is the main objective of the natural law school. Where the natural law school is of the view that the law applies universally and eternally. In the context of Indonesia, justice is in line with the values stated in Pancasila as the foundation of the state. The fifth article in Pancasila states that social justice for all Indonesian people, based on this article it can be said that justice must be aimed at all citizens without exception as a manifestation of Indonesia's diversity. To realize social justice can be done through development that is oriented towards the welfare of all Indonesian people. In comprehensive development, legal development is an aspect that cannot be separated.



Research Results and Discussion

Is the act of induced abortion against rape victims in accordance with Law Number 36 of 2009 concerning Health?

The legality of abortion in Indonesia is still a hot topic among academics, advocacy practitioners and in Islamic boarding schools. The practice of abortion itself has a legal umbrella that legalizes the practice. This can be disturbing to the public, because with the existence of this regulation, other parties can freely carry out abortions. The act of abortion can affect the values of humanity that are upheld by religion. In addition, abortion can threaten the existence of humans in the world. The permissibility of this abortion practice is contrary to the rules in the Qur'an al-Isra': 31. This is a dilemma for rape victims, because in Indonesia abortion resulting from rape has been regulated by law. However, the Qur'an clearly prohibits the practice of abortion because it is the same as killing innocent lives. Based on the Annual Notes of the National Commission on Violence Against Women in 2019, there were 792 cases of rape, even incest cases ranked first with 822 cases that had been reported to service institutions, especially the government such as the police.

Meanwhile, abortion cases in Indonesia reached 43% abortions per 100 live births. The abortions occurred in both urban and rural areas with a percentage of 78 and 40 based on the 2013 report from the Australian Consortium for In Country as in the online media CCN Indonesia. The practice of abortion is not only carried out because of being a victim of rape. There are several reasons underlying the practice of abortion, including: internal factors of the perpetrator, educational factors, family factors and factors from the partner. On the other hand, this abortion practice can be carried out by women with or without marital status. If we look at the status of women, the reasons for having an abortion can be grouped into 2 (two). First, in women with unmarried status. They do it for several reasons such as getting pregnant at a young age, no responsibility from the boyfriend, fear that parents will find out about the pregnancy outside of marriage, having the status of a widow who is pregnant outside of marriage, being a mistress and pregnancy that is prohibited by her partner. Second, in women with married status. They have abortions for reasons of contraceptive failure, too many children, births that are too short apart, not being young enough to give birth, medical reasons



and social and economic factors, other reasons can occur in couples who are in the process of divorce or in couples where the husband does not expect the birth of a child from the second wife.

The abortion process or termination of pregnancy can be done in two ways, namely safe and unsafe. An unsafe process can cause various risks including infection of the reproductive organs, infertility, rupture of the uterus (womb) which is an important organ in female reproduction, bleeding, neurological/nerve disorders, shock, damage to the reproductive organs of the birth canal (traumatic genital fistula) and even death. Those who do this will be filled with feelings of guilt that will not disappear throughout their lives. Although the impact caused by the practice of abortion is very high, rape victims are given the right to have an abortion as stated in Article 75 paragraph 2 of Law No. 36 of 2009 concerning Health and Article 31 paragraphs 1 and 2 of Government Regulation No. 61 of 2014 concerning Reproductive Health. The purpose of *ijtihad* or the development of Islamic law is to eliminate *mafsadat* that can threaten the survival of Muslims. One of the developments of Islamic law is by using the *maqashis sharia* method which is based on the benefit.

In the Journal of *al-Ahkam* Volume 11 Number 1 June 2016, Khoirul Bariyyah and Khairul Muttaqin, discussed Abortion Legislation in Medical and Legal Perspectives. The results of this study explain that without an emergency reason, abortion cannot be performed because it can threaten the mother's life. Abortion due to rape in the view of *fiqh* can be performed as long as the sperm cell has not united with the ovum cell. Therefore, the law in force in Indonesia should pay attention to the provisions regarding the permissibility of abortion for rape victims and fetuses who are indicated to have disabilities. The difference in law between legal, medical and Islamic law causes confusion in society because there is no uniformity in the law. In addition, the non-uniformity of the law can result in abortion perpetrators receiving protection because they have a legal umbrella. Although on the other hand he can be said to have committed a violation of the law. Likewise with doctors who assist in abortion practices.

In the Journal of Social Humanities Volume 4 Number 1 June 2011, Moh. Saifullah discusses Abortion and Its Risks for Women (in the Perspective of Islamic Law). The results



of this study explain that the law of performing abortion according to Islamic law is haram. The scholars have agreed that abortion performed after 4 months of pregnancy is haram, because at that age the fetus is alive. Abortion is allowed in emergency situations such as when it endangers the mother's life. While abortion performed less than 40 days of pregnancy is makruh. This must meet the requirements of the consent of the husband and wife and the recommendation of two specialist doctors that the abortion to be performed will not cause harm to the mother.

Based on the description above, the legality of abortion is an interesting thing for the author to review again considering the mafsadat it causes is so great. Therefore, the author will analyze the legality of abortion using the method of maqashid sayri'ah Imam Ghazali by presenting the research title "Abortion of Rape Victims in Legislation in Indonesia from the Perspective of Maqashid Syari'ah Imam Ghazali". First, the legality of abortion as stated in the legislation in Indonesia, we need to know first about abortion. Abortion is an effort to remove the results of conception from the womb before the fetus can live outside the womb. This definition is written as in the Regulation of the Minister of Health of the Republic of Indonesia. While abortion according to medicine is the termination of pregnancy before the fetus is 20 (twenty) weeks old or the weight of the fetus is not more than 500 grams, namely the condition of the fetus not being able to live independently outside the womb. In general, abortion is divided into 2 (two) types, namely spontaneous abortion (spontaneous abortion) and deliberate abortion (provocative abortion). First, spontaneous abortion (spontaneous abortion) is an unintentional abortion or abortion caused by natural things not the result of human action. This abortion usually occurs at three months of pregnancy and the cause of this miscarriage cannot be prevented, doctors cannot determine exactly what causes the miscarriage. Generally, this type of abortion begins with bleeding that is not visible to the exact cause or can occur due to a fall.

Second, deliberate abortion (provocantus abortus) is an abortion that is done intentionally. There are 2 (two) types of abortion, namely abortion provocatus medicinalis, this type of abortion is carried out by a doctor based on medical indications that show symptoms in the mother's body and can threaten her life. Taking action like this is intended to save the life of the pregnant mother and if not done immediately, the mother's safety can be



threatened. Next is abortion provocatus criminalis, which is an abortion without a basis for medical emergency indications which is usually carried out illegally. The goal is to cover up pregnancy due to free sex or outside of marriage or unwanted pregnancy due to financial factors or others. Furthermore, the provisions regarding the permissibility of abortion are stated in the legislation in Indonesia. Where the author limits the discussion of the law that regulates the permissibility of abortion, namely in Law No. 36 of 2009 concerning Health, and is strengthened by Government Regulation No. 61 of 2014 concerning Reproductive Health. In Law No. 36 of 2009 concerning Health, abortion provisions are listed in Articles 75 to 77. Article 75 explains that abortion is prohibited for anyone who does it. However, there are exceptions for women who have obtained medical permission, including:

What is the process for resolving criminal and medical abortion cases?

As we know that crimes involving criminal provocatus abortion are difficult to be known by law enforcement officers. Especially the police as investigators, then criminal provocatus abortion can be prosecuted if the crime is truly known. To find out the crime of criminal provocatus abortion, it is not uncommon to first receive a report from the public. Because this crime is committed against a human fetus in the womb and is still in the form of blood, usually in society the fetus is known to be buried or thrown into the river. The police as investigators, after knowing or hearing a report of the crime of criminal provocatus abortion, the first step is to go to the scene where the crime was committed. As is known that basically the investigation of a crime is to look for strong evidence, to determine whether it is a crime or not. If it turns out that the act is a criminal provocatus abortion, then find out who the perpetrator of the act is. Furthermore, the police seek information from people who know that the act was committed, as well as evidence as convincing evidence.

Next, the police arrest the person who committed the act. The person who committed the crime can be detained if necessary, or not, depending on the observations of the officers concerned. If the perpetrator of the crime is detained, the requirements must be met. These requirements include the following: There is a detention order containing the identity of the defendant or suspect and also contains the reasons for the case accused of the defendant. Subjective requirements include: There is a strong suspicion that the suspect has committed a crime with sufficient evidence. There is a strong suspicion or concern that the suspect /



defendant will escape, and will damage the evidence. There is concern that the suspect will commit another crime. Objective requirements include: That the criminal act accused of the defendant is punishable by imprisonment for five years or more, That the defendant committed a certain criminal act as regulated in Article 21 paragraph 4b of the Criminal Procedure Code.

Then the perpetrator or suspect is asked for information, to strengthen the truth of the charges later, it is necessary to hear the testimony of witnesses. Witnesses include expert witnesses who know and can clarify the acts that were committed. If it is considered sufficient, the evidence is convincing, then the police will send the file to the prosecutor to be read in court. However, if the verbal process from the police is considered to not meet the requirements, then the prosecutor will return it to the original police to be corrected by paying attention to the prosecutor's instructions. In the case of an investigation, after the police have completed the investigation, the police will immediately submit the case file to the public prosecutor. Then within seven days the prosecutor must provide the investigator with whether the results of the investigation are complete or not, if the investigation is complete, the investigator will immediately hand over responsibility for the suspect and evidence to the public prosecutor, The return of the case file by the prosecutor to the investigator, because it is considered incomplete is called pre-prosecution.

The indictment letter made by the prosecutor as public prosecutor must contain the name and location of the agency filing the accusation. Also the part of the law that was violated by mentioning the articles of the regulations, accompanied by the criminal threat of the relevant law. In addition, it must also contain the events that occurred by mentioning the name of the accused, the time and place of the criminal act, and other information relevant to the essence of the regulations that were violated. After it is deemed sufficient, this case or the indictment will be read out by the prosecutor as public prosecutor in a court hearing, to prove its truth. After the author briefly describes the process of resolving or prosecuting criminal provocatus abortion cases, the next step is how to resolve medical abortion cases.

A specialist doctor must be included to explain the type of illness of the patient that can be used as a reason for performing an abortion. The act of induced abortion based on medical considerations, carried out by a doctor, is not prosecuted in court because in medical



practice the act is in line with the development of medical science, in addition, law enforcement officers consider the requirements used as considerations for performing an abortion to be reasonable and logical actions, so that an abortion carried out by a doctor based on medical considerations is not an act that is contrary to criminal law, in fact it is an act or action that can be justified by criminal law. In practice, law enforcement officers use the teachings or theories of legal science, namely, the teachings of the material unlawful nature in a negative function, meaning that even though the doctor's actions are contrary to or prohibited by law, in society they are not considered as acts that are contrary to law. New cases arise after the patient feels that they have received unreasonable medical services. It could also be because the doctor committed malpractice, or made a mistake or negligence that resulted in a fatal outcome for the patient. The police or prosecutors are required to work hard and carefully, to find out whether the doctor has done his job properly or not, and also whether the doctor in performing the abortion has fulfilled the requirements set by the hospital or the requirements given by health law.

To determine that a doctor has committed an error or negligence is a difficult job, if done by a prosecutor or police. In such circumstances, the police or prosecutor can ask for information from another doctor, or submit it first to the medical ethics honorary court, to obtain the correct information. If based on the information obtained from the Medical Ethics Honorary Court, it is convincing that the doctor in performing a medically induced abortion made an error or negligence that violated criminal law norms, then the doctor must be held accountable for his actions. After being convinced that the doctor made an error and violated criminal law norms, the settlement process carried out is the same as in the prosecution or settlement process of criminal abortion cases.

However, before that is done, to avoid the category of criminal abortion *provicatus* carried out by doctors, the practice license that must be owned by a doctor to practice medicine must be owned first by the doctor, so that the procedures carried out can be accounted for. This responsibility is basically a professional responsibility. As is known, the responsibility of the doctor's profession is in the form of "trying for something" in other words not the results obtained but the process obtained to obtain maximum results.



The doctor's action in performing an abortion, it is not appropriate if it is attached to the responsibility based on the element of error when the medical action performed by the doctor is carried out based on the procedure that has been carried out, such as the existence of a Registration Certificate or informed consent which is a statement of the patient's willingness to undergo medical action. When this is done, criminal provocatus abortion can be avoided. Criminal provocatus abortion is attached to the responsibility based on the element of error, however, this can be immediately applied to a doctor, because the nature of the doctor's action towards the abortion is limited to medical action carried out by the doctor based on existing authority. In addition to preventive protection, legal protection is strictly regulated by laws and regulations that are coercive in nature. This legal protection is intended to provide a sense of fear for doctors to perform abortions. This fear is based on sanctions determined by existing laws and regulations, such as the provisions of the Criminal Code.

This repressive protection is a border or limitation of actions that can be taken by a doctor to perform a medical action that aims to provide direction or instructions for doctors not to perform medical actions (abortion) if they do not want to be prosecuted by law. If a doctor performs a medical action (abortion) that is contrary to the provisions of applicable laws, the law will take legal action against the doctor with criminal charges, as in the case of illegal abortions that often occur. Reviewing the actions that can be taken by a doctor in the form of emergency medical actions does not necessarily indicate the doctor's immunity to existing laws. The existence of elements of existing procedures or rules or as regulated in the Bollam test regarding actions taken by a doctor that are not in accordance with procedures, then legal provisions can be applied to the doctor.

In other words, the Bollam test which can be said as a standardization of doctor's actions to be accountable for his actions is very clearly visible. In the Bollam test itself, it is explained about the doctor's procedure in performing medical actions and it is also explained about the doctor's actions if they do not perform medical actions that are not in accordance with the procedure.

The Bollam test provides guidance on preventive protection and repressive protection. Repressive protection is explained regarding the procedural mechanisms that must be taken by doctors as also regulated in Article 31 to Article 39 of Government Regulation Number 61



of 2014 concerning Reproductive Health, while repressive protection according to the Bollam test is the doctor's responsibility for actions that are not in accordance with procedures, namely criminal provisions. The nature of the Bollam test is basically global, namely it is not aimed at or directed at a particular country, but in its application each country with various legal systems applied by these countries can implement or apply the Bollam test. The Bollam test also basically not only protects doctors from the medical actions they take, but also protects the patients faced by the doctor. Protection of these patients can be seen from the exposure that must be given by the doctor to the patient regarding the medical actions taken by the doctor. Patients must know and be able to question the doctor's actions taken. This is to avoid arbitrary actions by doctors against patients.

One form of doctor's arbitrariness towards patients is fraud. Fraud committed by doctors against patients may occur. This is due to the doctor's ability to treat a disease that the patient is unaware of. The opportunity for fraud has basically been anticipated by the Bollam test by stating that the interaction procedure carried out by the doctor with the patient must be open. The doctor's ability to understand a disease must be informed to the patient so that the patient knows the good and bad in the treatment process carried out by the doctor. Thus, the doctor's responsibility in carrying out medical actions on his patients can be accounted for both professionally and legally.

Conclusion

That the act of induced abortion against rape victims is in accordance with Law Number 36 of 2009 concerning Health, the authority of doctors to perform abortions is not a criminal act as referred to in Articles 346, 347, 348 of the Criminal Code. According to the provisions of Law Number 29 of 2004 concerning Medical practice, it must meet the provisions of Articles 75 to 80, namely having a STR (Article 75) SIP (Article 76) using professional standards stipulated in administrative requirements and professional standards. In Indonesia, in principle, all acts of abortion in all their forms are prohibited. In general, abortion in the form of terminating or killing a pregnancy based on the provisions of Articles 346, 347, 348 of the Criminal Code is categorized as criminal induced abortion, exempted from this provision if the abortion is carried out for medical health reasons or medical induced abortion. According to the provisions of Article 75 of Law Number 36 of 2009



concerning Health, it is expressly stated that abortion is prohibited unless there are indications of a medical emergency and psychological trauma for the rape victim as further regulated in Article 31 paragraph (2) of Government Regulation Number 61 of 2014.

That the process of resolving criminal and medicinal abortion cases, Abortion is divided into spontaneous/natural abortion and induced abortion (artificial). In Indonesian legislation, the regulation on abortion is contained in the law, namely the Criminal Code and the Health Law. In the Criminal Code and the Health Law, the penalty for carrying out an abortion (terminating pregnancy) is threatened, while legal (medicinal) artificial abortion is regulated in the Health Law.

Suggestion

For the Government Because the legal regulations regarding abortion are spread out in various laws and regulations, legal protection to create legal certainty is increasingly difficult to create, therefore a compilation is needed (a collection of laws regarding abortion in one book/one regulation). Steps to create legal certainty and legal protection require harmonization and synchronization of legal regulations regarding health in an integrative manner.

For Practitioners of Doctors as a profession in seeking health for their patients, it is mandatory to interact with their patients and provide true information regardless of whether medical treatment is carried out or not due to the information given to the patient. This is certainly a basic procedure in medical services as well as to create a legal relationship that can be accounted for.

Academics As the pioneers of the birth of an idea or concept, academics are responsible for providing input to the government regarding the scheme or system of protection for doctors and/or patients. This scheme or concept is expected to create a harmonious relationship between doctors and patients who are protected by existing laws.



BIBLIOGRAPHY

BOOK

Association, A.H. (2000). Part 2: Ethical aspects of CPR and ECC. *Resuscitation* , 46 , 17–27.

Chazawi, A. (2001). Crimes against body and life. *Jakarta: PT. Raja Grafindo Persada* .

Hazinski, M. F., & Field, J. M. (2010). 2010 American Heart Association guidelines for cardiopulmonary resuscitation and emergency cardiovascular care science. *Circulation* , 122 (Suppl), S639–S946.

Karyadi, PY (2001). *Euthanasia in the perspective of human rights* . Media Pressindo.

Makino, J., Fujitani, S., Twohig, B., Krasnica, S., & Oropello, J. (2014). End-of-life considerations in the ICU in Japan: ethical and legal perspectives. *Journal of Intensive Care* , 2 (1), 1–7.

JOURNAL

McCormick, A. J. (2011). Self-determination, the right to die, and culture: A literature review. *Journal of Social Work* , 56 (2), 119–128.

Rifai, A., & Ilyas, M. (2018). Basic Life Support (BLS) Management in the General Public (Yambuul Hikmah Islamic Boarding School Student Journal) in Andong Boyolali. *(JKG) Global Nursing Journal* , 3 (2), 115–118 . Gina Adriana. */Cerdika: Indonesian Scientific Journal* 1(5), 515 - 523

Do Not Resuscitate (DNR) Journal Borobudur Law University International Batam 523

Sa'id, AN, & Mrayyan, M. (2015). Do Not Resuscitate: An Argumentative Essay. *Palliat Med Care* , 2 (1), 1–5.

Shatri, H., Faisal, E., Putranto, R., & Sampurna, B. (2020). Advanced Directives on Palliative Care. *Indonesian Journal of Internal Medicine* , 7 (2), 125–132



Law Journal Borobudur International
Vol 2 No 2, January 2025

ISSN: 2809-9664

LEGISLATION

Law, 2004, “Law Number 29 of 2004 concerning Medical Practice”, Jakarta

Law, 2009, “Law Number 36 of 2009 concerning Health”, Jakarta

Regulation of the Minister of Health, 2014, “Regulation of the Minister of Health Number 39 of 2014 concerning Guidance, Supervision, and Licensing of Dental Technician Work”, Jakarta

LAW JOURNAL BOROBUDUR INTERNA-