

ABSTRACT

POLITICS OF LAW ON LEGALIZING ABORTION DUE TO RAPE

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The act of abortion been controversial since the enactment of Government Regulation No. 61 Year 2014 on Reproductive Health which implies legalizing abortion for victims of rape. Legalization of abortion is not justified by many people, especially for the world of health and religion. The problem of this research are: (1) How does the politics of law legalizing abortion due to rape? (2) How implications legalization of abortion in the Health Act to the Code of Criminal Law?

This study uses normative juridical approach with sources namely Bandar Lampung Police Investigator, State Attorney General in Bandar Lampung, Criminal Law Lecturer at the Faculty of Law, University of Lampung and religious figures in the Indonesian Ulama Council of Lampung Province. Data collected by the study of literature. The data were analyzed qualitatively juridical.

Research results and discussion indicate: (1) Politics law legalizing abortion due to rape is based on the government's efforts to provide protection and legal certainty to women victims of rape to choose abortion as an act that is deemed appropriate in order to prevent the birth of children who are not expected to psychological considerations and help medical accordance with health and safety standards. (2) The implications of the legalization of abortion in the Criminal Code is abortion not convicted and not criminally accountable for his actions, because of the element of forgiveness and justification of her element in aborting the fetus and the enactment of the principle of *lex specialis derogat legi generali*, namely the rule that is specifically abolished the rule that is general.

Suggestions in this study were: (1) Government Regulation Number 61 Year 2014 About RH still need to be reviewed, particularly the evidentiary aspects of pregnancy as a result of rape (2) efforts to ensure the implementation of Government Regulation Number 61 Year 2014 About Reproductive Health in accordance with the purpose is required strict supervision related commission in the House of Representatives, including oversight of the process of the investigation of the alleged violations in implementing the regulation.

Keywords: Politics, Legalization, Abortion, Rape