

ALASAN PENGHAPUS PIDANA TERHADAP ANAK KORBAN
PEMERKOSAAN YANG MELAKUKAN ABORSI DITINJAU DARI
UNDANG-UNDANG NOMOR 36 TAHUN 2009 TENTANG KESEHATAN

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ABSTRAK

Skripsi ini bertujuan untuk menganalisis apakah WA sebagai anak korban pemerkosaan yang melakukan tindak pidana aborsi terhadap bayi yang masih dalam kandungan dapat diterapkan alasan penghapus pidana yang ditinjau dari Undang-Undang Nomor 36 Tahun 2009 tentang Kesehatan. Bahwa hasil penelitian menunjukkan berdasarkan pada Pasal 75 ayat (2) Undang-Undang Nomor 36 Tahun 2009 tentang Kesehatan dan Pasal 31 ayat (1) huruf b jo. Pasal 34 ayat (1) dan (2) Peraturan Pemerintah tentang Kesehatan Reproduksi menentukan bahwa aborsi diperbolehkan bagi korban perkosaan. Selepas dari itu, seorang anak yang melakukan tindak pidana aborsi karena pengaruh daya paksa tidak dapat dikenakan pertanggungjawaban pidana karena adanya alasan penghapus pidana.

Kata Kunci : Alasan Penghapus Pidana, Anak Korban Pemerkosaan, Aborsi

THE REASON OF THE CRIMINAL REMOVAL OF A RAPE VICTIM-CHILD
WHO CARRIES OUT AN ABORTION BASED ON THE ACT NO 36 OF 2009
CONCERNING HEALTH

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This final report aims to analyze whether WA as a rape victim-child who carries out a crime of an abortion on the baby in her womb can be utilized the reason of the criminal removal based on The Act no 36 of 2009 concerning health, and chapter 31, article 1 point b jo. Chapter 34, article 1 and 2 of Government Ordinance concerning reproductive health decides that an abortion is permitted for a rape victim. Apart from this, a child who carries out an abortion by force, can not be sued for her crime due to the reason of the criminal removal.

Keywords : The criminal removal reason, A rape victim-child, Abortion

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