

CRIMINAL RESPONSIBILITY OF CHILDREN AS PERPETRATORS OF ABORTION CRIMINAL ACT FROM THE PERSPECTIVE OF INDONESIAN CRIMINAL LAW

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Abstract: *In Indonesia, the practice abortion in a way general forbidden including abortion performed by a child, except in condition certain like emergency medical or pregnancy consequence rape, as arranged in Constitution Number 1 of 1946 concerning the Criminal Code, Law Number 36 of 2009 concerning Health and the Law Number 17 of 2023 concerning Health. Research This study arrangement law about action criminal abortion by minors age based on legislation in Indonesia and as well How judge's considerations in drop punishment to child as the perpetrator action criminal abortion. Research This use method approach juridical normative, namely studies to regulation legislation, decision courts, and literature relevant laws. Research results show that arrangement about abortion has arranged in Article 28B, 28G, 28H of the 1945 Constitution of the Republic of Indonesia, Articles 346-349 of the old Criminal Code, and the new Criminal Code Articles 463-467 of Law No. 1/2023 which permit abortion For emergency medical and rape with condition strict. In addition, the Health Law Law No. 36/2009 in conjunction with Law No. 17/2023 and the Child Protection Law Law No. 35/2014 require service health and rehabilitation for the victims, even though its implementation Still constrained factor socio-cultural. Judge's Considerations in the Decision court show variation punishment from liberation child victim of incest PN Muara Bulian No.5/ Pid.Sus.Anak /2018/PN Mbn , and 6-10 months sentence for perpetrator adult PN Baubau No.170/Pid.Sus/2019/PN Bau. Required arrangement special protection child perpetrator abortion with friendly and humane approach, harmony between regulation become key For prevent criminalization and ensure certainty law, decision to child perpetrator abortion must consistent use principle justice restorative and protective children, and required guidelines judicial specifically so that judges have fair standards and avoid disparity verdict.*

Keywords: *Law, Children, Abortion.*

I. INTRODUCTION

According to Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 on Child Protection, a child is defined as any person under the age of 18 years, including a child who is still in the womb. As a legal subject who has not yet attained full physical and psychological maturity, a child requires special protection to ensure optimal growth and

development. Therefore, the state has an obligation to guarantee the fulfillment of children's rights through adequate protection, proper care, access to education, healthcare services, and a supportive environment that promotes their overall well-being and development (Dony Pribadi, 2018).¹

In context law criminal, child given protection special thing that distinguishes it from adults, because they considered Not yet fully understand consequence from actions they (Setiawan and Nynda Fatmawati, 2024).² Therefore that, the system justice crimes involving child must use approach rehabilitative and restorative, with focus on interests best for child.³

An understanding of the legal status and position of children is essential in examining the legal responsibility of children involved in abortion-related offenses. This is because children who engage in such conduct not only face legal consequences for their actions but also retain the right to receive special protection in light of their developmental stage and vulnerability. Accordingly, the legal system should provide mechanisms that support rehabilitation and social reintegration to promote the child's future well-being and development. Therefore, a comprehensive understanding of the concept and legal status of children serves as an important foundation for analyzing the legal issues and implications arising from abortion cases involving minors.

Speak action criminal abortion, number case abortion in Indonesia is estimated reach between 750,000 to 2.5 million per year,⁴ although number This Still Not yet Certain Because Not yet There is comprehensive research. One of the reason why abortion data in Indonesia is difficult determined in a way accurate is Because Lots abortion performed with method consume drug or jamu without supervision medical, as well as fact that abortion No only conducted in clinics official , but also in places other (Jillian M. Duquaine-Watson, 2022).⁵

Under the Indonesian criminal justice system, abortion is generally prohibited and classified as a criminal offense related to the protection of human life. Accordingly, criminal sanctions may be imposed on both the individuals who perform the abortion and those who participate in the act. The issue becomes more complex when children are involved, as they often lack the maturity and legal awareness necessary to fully understand the consequences of their actions. Nevertheless, Indonesian law recognizes limited exceptions to the prohibition of abortion, particularly in cases involving medical emergencies that endanger the life of the mother or

¹ Dony Pribadi, "Perlindungan Terhadap Anak Berhadapan Dengan Hukum," *Jurnal Hukum Volkgeist* 3, no. 1 (2018): 15–28. Pribadi, "Perlindungan Terhadap Anak Berhadapan Dengan Hukum."

² Setiawan Setiawan dan Nynda Fatmawati O, "Politik Hukum Batas Usia Anak dalam Peraturan Perundang-Undangan di Indonesia," *AKADEMIK: Jurnal Mahasiswa Humanis* 4, no. 3 (2024): 806–21.

³ *Ibid*, hlm.10.

⁴ S. Fil Agustinus Agung, "Meningkatkan Kesadaran Moral Kritis Remaja Terhadap Masalah Aborsi Provocatus Ilegal," *SMAK St. Thomas Aquinas Ruteng*.

⁵ Jillian M. Duquaine-Watson, "Convention on the Elimination of All Forms of Discrimination Against Women," *Women's Health: Understanding Issues and Influences: Volume 1-2* 1, no. 5 (2022): 172–73.

fetus, as well as pregnancies resulting from rape, as regulated by the applicable laws and regulations.⁶

In terms of this is important For investigate How system law can adapt For give more protection Good for children, as well as ensure they accept necessary care without trapped in stigma and punishment.⁷ As study previously carried out by Febefitriay Kusnadi and Hery Firmansyah SH, M.Hum., MPA, where in his research it is said that the Judge must referring to the provisions from Conventions and agreements international related gender equality that has been ratified Previously by the Indonesian Government.⁸ Rossa Septiana convey that must noticed formerly whether the actions he did is actions induced abortion or No intentional, because child is a rape victim so that child No need requested Accountability criminal on the actions he did.⁹

That Based on the description above, then study This will focus study arrangement law about action criminal abortion by child under age based on legislation in Indonesia, as well as judge's considerations in drop punishment to child as perpetrator action criminal abortion.

II. RESEARCH METHODS

This study employs a normative juridical method, which focuses on the examination of applicable legal norms. The approach is conducted through the analysis of various legal sources, including statutory regulations, legal doctrines, and court decisions relevant to the subject matter under study. Through this approach, the research seeks to identify, understand, and systematically analyze the legal provisions governing the issue being examined. The use of a normative juridical method enables the researcher to develop well-structured legal arguments and to obtain a comprehensive understanding of the application and development of legal norms in practice.¹⁰

III. RESEARCH RESULTS AND DISCUSSION

A. Legal Regulations for Action Criminal Abortion by Minors

1. The 1945 Constitution of the Republic of Indonesia

As the highest legal norm within Indonesia's legal system, the 1945 Constitution of the Republic of Indonesia serves as the constitutional foundation for the protection of children's rights. In the context of abortion involving minors, several constitutional provisions are particularly relevant in safeguarding the rights of children. Article 28B paragraph (2) of the Constitution affirms that every child has the right to life, growth, development, and protection

⁶Arrisyda, I. M. *Pidana Aborsi Anak Korban Perkosaan Dalam Perspektif Yusuf Al-Qardhawi (Analisis Putusan Hakim No. 5/Pid. Sus. Anak/2018/Pn. Mbn)* (Bachelor's Thesis, Fakultas Syariah Dan Hukum Uin Syarif Hidayatullah Jakarta). hlm. 6.

⁷Rahmah Daniah dan Fajar Apriani, "Kebijakan Nasional Anti-Trafficking dalam Migrasi Internasional," *Jurnal Politica Dinamika Masalah Politik Dalam Negeri dan Hubungan Internasional* 8, no. 2 (2018): 137–62. Daniah dan Apriani, "Kebijakan Nasional Anti-Trafficking dalam Migrasi Internasional."

⁸Kusnadi, F., & Firmansyah, H. 2019. *Analisis perlindungan hukum terhadap perempuan korban perkosaan inses yang melakukan aborsi pada tingkat pemeriksaan pengadilan (Studi kasus putusan nomor 5/PID. SUS. ANAK/2018/PN. MBN.)*. Jurnal Hukum Adigama, 2(2), 459-481.

⁹Rossa Septiana, *Analisis Yuridis Pertimbangan Majelis Hakim Terhadap Tindak Pidana Aborsi Oleh Anak Di Indonesia (Studi Putusan No. 5/Pid.Sus.Anak/2018/Pn. Mbn)*, no. 5 (2022).

¹⁰Sidi Ahyar Wiraguna, "Metode Normatif dan Empiris dalam Penelitian Hukum: Studi Eksploratif di Indonesia," *Public Sphere: Jurnal Sosial Politik, Pemerintahan dan Hukum* 3, no. 3 (2024).

from all forms of violence and discrimination. This provision reflects the State's responsibility to ensure the fulfillment and protection of children's rights, including those who are placed in vulnerable circumstances due to pregnancy resulting from sexual violence.

The protection of individual rights is also guaranteed under Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which recognizes the right of every person to protection of their personal integrity, family, honor, and dignity. This provision is particularly relevant in safeguarding children who become victims of sexual violence, especially with regard to the protection of their personal rights and the restoration of their physical and psychological well-being. Furthermore, Article 28H paragraph (1) guarantees the right of every person to obtain healthcare services as part of the broader right to physical and mental well-being. In cases involving child victims of sexual violence who experience unwanted pregnancies, access to healthcare services in accordance with applicable laws and regulations constitutes an essential aspect of fulfilling these constitutional rights. Accordingly, the Constitution provides a strong constitutional basis for the protection of children's rights, including in the management of pregnancies resulting from sexual violence through legally authorized mechanisms.

2. Old and New Criminal Code (KUHP)

The Indonesian Criminal Code (Kitab Undang-Undang Hukum Pidana/KUHP) has long served as the primary source of substantive criminal law governing criminal offenses in Indonesia. Prior to the enactment of the new National Criminal Code, criminal law provisions were largely based on the Criminal Code implemented through Law Number 1 of 1946, which was derived from the Dutch colonial *Wetboek van Strafrecht voor Nederlandsch-Indië*. With regard to abortion, the former Criminal Code generally criminalized the act of terminating a pregnancy and regulated it under Articles 346 to 349. These provisions imposed criminal liability not only on women who intentionally terminated their pregnancies but also on individuals who assisted or participated in the procedure, regardless of whether the act was carried out with or without the woman's consent.

The enactment of Law Number 1 of 2023 concerning the Indonesian Criminal Code introduced significant changes to the regulation of abortion. Articles 463 to 467 provide exceptions to the general prohibition of abortion in specific circumstances, namely when there are medical emergency indications or when the pregnancy results from rape. Furthermore, abortion procedures may only be performed by authorized medical professionals in healthcare facilities that meet the requirements prescribed by law. These provisions reflect an effort to balance the protection of life with the fulfillment of health rights and legal protection for victims, including minors who experience pregnancy as a consequence of sexual violence.

3. Constitution Number 36 of 2009 concerning Health in conjunction with Law No. Number 17 of 2023 concerning Health

Law Number 36 of 2009 on Health provides specific regulations concerning abortion as part of the healthcare system in Indonesia. In principle, the law prohibits abortion; however, it recognizes limited exceptions in certain circumstances, namely where there are medical emergency indications that endanger the life of the mother or fetus, as well as pregnancies resulting from rape. To ensure that such procedures are carried out in accordance with legal

requirements and medical standards, Articles 76 and 77 establish several conditions, including that the procedure must be performed by authorized healthcare professionals, preceded by appropriate counseling, and conducted in compliance with the limitations and procedures prescribed by law. These provisions demonstrate that abortion may only be performed under restricted circumstances and remains subject to strict legal oversight.

The protection of reproductive health rights for victims of sexual violence is further strengthened under Law Number 17 of 2023 on Health. Articles 452 to 454 provide a legal basis for the delivery of comprehensive healthcare services, including abortion procedures carried out in accordance with the requirements established by applicable laws and regulations. Furthermore, the law takes into account not only the physical health of victims but also their psychological condition in determining circumstances that require medical intervention. These provisions reflect the State's commitment to ensuring more effective protection for victims of sexual violence, including minors who experience pregnancy as a result of such acts.

4. Constitution Number 11 of 2012 concerning System Justice Child Criminal

Law Number 11 of 2012 concerning the Juvenile Criminal Justice System serves as a legal instrument designed to provide special protection for children in conflict with the law, including those alleged to have committed criminal offenses. Unlike the criminal justice system for adults, this law emphasizes an approach that prioritizes the best interests of the child and safeguards their rights throughout the judicial process. One of its fundamental principles is restorative justice, which seeks to resolve criminal cases through the involvement of offenders, victims, their respective families, and relevant community members in order to achieve a fair and balanced resolution. This approach focuses on repairing the harm caused by the offense and facilitating the child's social reintegration rather than merely imposing retributive punishment.

The provisions concerning diversion and restorative justice under the Juvenile Criminal Justice System Law are expressly stipulated in Articles 6 and 7, which require such measures to be pursued at every stage of the criminal justice process, including investigation, prosecution, and court proceedings. This approach is particularly relevant in cases involving children, as it allows legal authorities to consider various underlying factors contributing to the commission of an offense, including social circumstances, experiences as victims of sexual violence, and the child's limited understanding of the legal consequences of their actions. Accordingly, the juvenile justice system is designed not only to enforce the law but also to promote the rehabilitation and development of children so that they may successfully reintegrate into society. Through this approach, child protection can be implemented more proportionately by prioritizing the best interests of the child.

5. Regulation Government Republic of Indonesia Number 61 of 2014 concerning Reproductive Health

Government Regulation Number 61 of 2014 on Reproductive Health was enacted as an implementing regulation of Law Number 36 of 2009 on Health and provides more detailed

provisions concerning the administration of reproductive health services, including abortion under specific circumstances. The regulation stipulates that abortion may only be performed on the basis of medical emergency indications or pregnancies resulting from rape. Articles 31 to 39 set forth the requirements and procedures governing abortion, including gestational age limitations, mandatory counseling, and the requirement of consent prior to the procedure. Furthermore, abortion procedures may only be carried out by authorized healthcare professionals in designated healthcare facilities. For child victims of sexual violence, these provisions provide legal certainty regarding access to safe reproductive healthcare services, ensure the confidentiality of victims, and support the protection of children's rights and dignity from potential discrimination and social stigma.

6. Regulation Government Republic of Indonesia Number 28 of 2024 concerning Regulation Implementation Constitution Number 17 of 2023 concerning Health

Government Regulation Number 28 of 2024 concerning the Implementing Regulation of Law Number 17 of 2023 on Health further clarifies the implementation of various health-related provisions, including reproductive healthcare services. In the context of pregnancies resulting from sexual violence, the regulation emphasizes the protection of victims' rights through the provision of integrated services that prioritize the best interests of the child. Its provisions include access to counseling services, legal assistance, psychosocial rehabilitation, and protection from discriminatory treatment throughout the handling process. Accordingly, the regulation focuses not only on the delivery of healthcare services but also on the fulfillment of rights, the recovery of victims, and the protection of the dignity of children as a particularly vulnerable group.

In addition to regulating reproductive healthcare standards, Government Regulation Number 28 of 2024 emphasizes the government's responsibility to provide child-friendly healthcare facilities and to ensure the availability of services that are accessible, safe, and responsive. These provisions are particularly significant for children who experience pregnancy as a result of sexual violence, as they guarantee access to reproductive healthcare services that are rights-based and aimed at supporting the comprehensive physical and psychological recovery of victims. From a normative perspective, Indonesian law generally classifies abortion as a prohibited act subject to criminal sanctions. Nevertheless, statutory regulations recognize limited exceptions in specific circumstances, including medical emergencies and pregnancies resulting from sexual violence. In such situations, child victims should not merely be viewed through the lens of criminal liability but rather as individuals entitled to protection and recovery measures. Accordingly, any abortion procedure permitted by law must be carried out in accordance with applicable medical and legal requirements while prioritizing the best interests of the child.

Based on results interview with Mrs. Tities Asrida, SH, MH as Judge of Kuningan District Court explain that in the Regency Kuningan, West Java, not yet Once recorded existence case laws involving child as perpetrator action criminal abortion. Although abortion by minors age

can charged sanctions law in accordance with the applicable provisions, the reality in this area Not yet There is report or emerging cases to surface.¹¹

This matter Possible caused by factors very social and cultural thick in Kuningan. A very community uphold tall religious and customary values, making problem related abortion, especially involving child, become very topic sensitive and rare discussed. Although so, this No means that problem the fully unavoidable. In fact, the reality This show importance effort more preventive and educational continue so that the potential problem the can minimized.¹²

Important for We all For still understand existing regulations related accountability law to the child who did action criminal abortion. Knowledge This very important , good For community, authorities enforcer law , as well as For steps prevention in the future, so that if There is case similar, the handling can done with fair and appropriate with rights children. With however, even though Not yet There is cases recorded in Kuningan, remain need existence deep awareness and understanding about problem this is so that we Can more Ready face possible challenges happened later day.¹³

Children under age in context criminal who committed abortion treated as children facing each other with law in accordance with Constitution Number 11 of 2012 concerning System Justice Child Crime. The approach used is rehabilitative, not retributive. Concept diversion, which prioritizes external settlement court, to be priority For protect the future child protection This in accordance with principle that child is individuals who are still in stage development and requires coaching as well as rehabilitation, not aggravating punishment.

Aspect social and psychological from case abortion by minors age also does not matter Can neglected. Children who experience pregnancy No desired or involved in abortion often face heavy social stigma, which can influence their mental health in term long. Trauma due to experience the can become burden emotions that interfere with the growth process flower and recovery social they. Therefore that, the system law must put forward child - centered approach, with give support in the form of counseling, rehabilitation, and reintegration social.

In terms of this, enforcement law to action criminal abortion need collaboration cross sector between enforcer law, power medical and workers social For ensure that right child protected completely. Service health friendly reproduction children, access to counseling, as well as campaign education comprehensive reproduction very important For prevent case similar in the future and protect rights reproduction child women. Not only that, the settings law about action criminal abortion by minors age in Indonesia has also reflect balance between protection

¹¹Wawancara dengan Tities Asrida,S.H.,M.H. Hakim Pengadilan Negeri Kuningan, 25 Maret 2025, Pukul 13.00 WIB.

¹²Wawancara dengan Tities Asrida,S.H.,M.H. Hakim Pengadilan Negeri Kuningan, 25 Maret 2025, Pukul 13.00 WIB.

¹³Wawancara dengan Tities Asrida,S.H.,M.H. Hakim Pengadilan Negeri Kuningan, 25 Maret 2025, Pukul 13.00 WIB.

law to fetus and health reproduction women, and give attention special to child as perpetrator or victims in situation This.

B. Considerations in Sentencing Punishment Towards Children As Perpetrator Action Criminal Abortion

No	Decision	Defendant	Law	Information
1.	Nomor 5/Pid.Sus.Anak/2018/PN Mbn Jo PT Jambi Nomor 6/PID.SUS-Anak/2018/JMB	Child/15 Years/ September 6, 2002	Sentencing the child to 6 months imprisonment and 3 months job training.	In the Appeal Decision, the District Court's decision was overturned by acquitting the defendant on the grounds of coercive power (Article 48 of the Criminal Code) and child protection (Law No. 35/2014).
2.	Nomor 170/Pid.Sus/2019/PN Bau	Masnaeni Nur Iman Farti Binti Muh Syafar Muhidu/ 20 years old/Augus t 4, 2001	Sentencing the defendant to 6 months imprisonment minus the time already served and imposing a fine of Rp. 100,000,000.00 with the provision that if not paid, it will be replaced with 2 months imprisonment.	-

1. Analysis Decision

A. Case Nomor 5/Pid.Sus.Anak/2018/PN Mbn Jo PT Jambi Nomor 6/PID.SUS-Anak/2018/JMB

Based on analysis that has been done on the facts Trial show that the child did abortion Because pressure psychological after experience violence sexual from Older brother its contents. However, the elements emergency medical or exception law in case abortion consequence rape No proven Because age pregnancy Already more of 40 days, as arranged in Regulation Government Number 61 of 2014 concerning Reproductive Health.

The judge considered role Child's mother (Asmara Dewi), but information about help in abortion considered No Enough strong For prove his involvement in a way active.

Verdict This show that although There is factor violence sexual system law still punish the child for his actions, even though the judge sentenced him more criminal light compared to demands maximum.

Decision This Then overturned on appeal by the Jambi High Court, which stated that the child did actions in condition Power forced, so that released from demands criminal law and its rights restored. Child Action is performed No on will free, but Because coercion and pressure heavy psychological consequence become a victim of violence sexual and pressure custom. Therefore that, based on principle protection children , children do not can convicted.

Difference judge's consideration between Pengadilan Negeri Muara Bungo (PN Mbn) dan Pengadilan Tinggi Jambi (PT Jambi) in case Nomor 5/Pid.Sus.Anak/2018/PN Mbn Jo Nomor 6/PID.SUS-Anak/2018/JMB is located at an angle view in evaluate situations and conditions child as perpetrator abortion. PN Mbn still drop criminal to child Because evaluate that element exception law, namely abortion consequence rape during pregnancy maximum 40 days as arranged in PP no. 61 of 2014, no fulfilled. Court more emphasizes the formal aspects of actions abortion without consider in a way deep pressure psychological and social experiences child. On the other hand, PT Jambi canceled decision and free child from criminal with consider that actions done in condition Power force.

Children are assessed No act on will free, but Because pressure heavy consequence violence sexual and pressure customs. PT Jambi also prioritizes principle protection child, assess that in case like this, the approach used must notice vulnerability and conditions psychological children. Therefore that, the difference punishment appear Because difference approach law : one nature formal and repressive, while others are more humanistic and recovery - oriented child.

B. Case Nomor 170/Pid.Sus/2019/PN Bau

Based on analysis that has been carried out on the Decision Putusan Pengadilan Negeri Baubau in case nomor 170/Pid.Sus/2021/PN Bau which states defendant Masnaeni Nur Iman Farian guilty do action criminal abortion with on purpose has in accordance with provision applicable law. The panel of judges sentenced criminal prison during six month, fine of Rp. 100 million with two subsidiaries month confinement, as well as set extermination goods evidence. Decision This consider fact trial, including confession defendant, statement witnesses, and goods supporting evidence existence conspiracy between defendant and witness Alsiyan Farma for abort content in a way illegal use drugs and methods that are not in accordance procedure regulated medical in Article 75 of the Law Number 36 of 2009 concerning Health.

Decision This accommodate principle justice retributive and preventive. Aggravating factors is intentional defendant and neglect mark life fetus, while mitigating factors covering regret defendant, his status as students who have not Once punished, and his wish For continue education. Punishment relative prison light compared to threat maximum in Constitution reflect an approach that takes into account age young defendant and possible rehabilitation.

Analysis more carry on can highlight role dominant witness Alsiyan Farma which influences and is involved direct in actions including, use violence, which can viewed need not quite

enough answer more criminal big. Alternative criminalization like rehabilitation or Work social can also become more choices in accordance For educate and reintegrate defendant to society. In general overall, the verdict This reflect implementation proportional law, although Still open room For development a more approach restorative and prevention - oriented.

IV. CONCLUSION

- a) Arrangement action criminal abortion by minors age arranged in the old Criminal Code Articles 346–349 with threat up to 12 years prison. New Criminal Code Articles 463–467 provide exception for rape victims and circumstances emergency medical, with limit age 14 weeks pregnant. The Health Law (Law No. 36/2009 and Law No. 17/2023) stipulates criminal maximum 10 years for abortion illegal. PP No. 61/2014 and PP No. 28/2024 emphasize abortion must done by manpower medical in facility official and through counseling. Children remain Can convicted If abortion done outside provisions, although protected law when fulfil conditions that are permitted.
- b) The judge's considerations in case abortion show difference significant. In case child victim of incest (Nomor 5/Pid.Sus.Anak/2018/PN Mbn Jo Nomor 6/PID.SUS-Anak/2018/JMB), initially sentenced to 6 months prison and 3 months training work, but acquitted on appeal because considered as a victim. Meanwhile that, the perpetrator adults (PN Baubau No. 170/2019) received 6 months sentence confinement minus the period of detention that has been served lived and dropped criminal fine amounting to Rp. 100,000,000.00 with provision If No paid, replaced with criminal confinement for 2 months.
- c) Arrangement law abortion by minors age need arranged more special in legislation. Although the new Criminal Code, Health Law, and regulations government has confess exception abortion in case rape and conditions emergency medical, not yet There is provision explicit related treatment special to child as perpetrator. Required rule derivatives that are clear arrange mechanism protection law, assistance psychological, and access to service safe abortion as well as friendly children. It is also important to ensure availability facility health adequate and socialization law in a way wide so that children who do abortion in accordance provision No criminalized. Harmonization between the Criminal Code, the Health Law, and the Child Protection Law are very important For create certainty law and protection maximum for child in case abortion.
- d) The judge's decision in case abortion by child should consistent with principle justice restorative and protective children. Differences the judge's attitude between case child victims of violence and perpetrators mature show Not yet existence uniform guidelines . For example, an appeal decision acquits child with reason Power force and protection children (Law No. 35/2014). Therefore, it is needed guidelines judicial specifically for the judge to consider condition social and psychological children, and drop fair and impartial decisions harm the victim.

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