

ACTION AGAINST ABORTION PREGNANCY DUE TO RAPE

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ABSTRACT

Abortion can be performed in an emergency in an attempt to save the lives of pregnant women or fetus. Problems studied in this paper are: to find out what are the criteria that pregnancies resulting from rape can be aborted and how to determine the psychological trauma of women who became pregnant due to rape. This discussion is done by looking at that abortion for rape can be done if the pregnancy is less than 6 (six) weeks, and for health reasons, for example: after being checked turned out to condition the baby in the womb does not have a brain, or if the baby is born the mother will undergo a psychological trauma. If the pregnancy is due to rape is being undermined by the doctor then a doctor should be protected and assisted by law to perform the abortion. The intent is protected by law is to be accompanied by a declaration from the investigating police that the woman really pregnant because of rape. The doctor will check back to see if it really pregnant rape victim for rape victims in accordance with the date of the complaint to the police by adjusting pregnancy. To know that pregnancy due to rape has resulted in psychological trauma, must be proven by examining the rape victim to a psychiatric specialist and a psychiatrist. Reasons to be examined by a doctor psychiatrist and the psychiatrist is to ensure that pregnancies resulting from rape victims actually suffered psychological trauma and to avoid the demands of various parties and meguatkan doctors to perform the abortion.

Keywords: Abortion, Pregnancy and Rape.

Introduction

Abortion is not always constitute misconduct or a criminal offense when committed because of forced abortion only provokatus criminalis categorized as a criminal offense, while others, especially abortion spontaneous and medicalis, does not constitute a criminal offense. In many ways that absolutely prohibits abortion does not solve the problem, because basically people need abortions, refusing abortion is a dilemma. In Indonesia, abortion is regulated in some legislation.¹

Abortion under Article 299, 346, 347, 348, and 349 of the Criminal Code as follows:

- a. Article 299 of the Criminal Code determines:
 - (1) Whoever intentionally or treat a lady told him so treated, with a notified or brought hope, that due to the treatment of the pregnancy can be terminated, punishable by a maximum imprisonment of four years or a fine of forty thousand dollars.
 - (2) If the guilty, doing so for profit, or to make such actions as search or habit, or if he is a physician, midwife or interpreter drugs, the punishment can be added a third.
 - (3) If the guilty, committed the crime, in carrying out its work, it can be deprived of his right to do the job.
- b. Article 346 of the Criminal Code specifies that a woman who intentionally causes death fall or abortion or tell others to it, shall be sentenced to imprisonment of four years.
- c. Article 347 determines that the person who deliberately causes the fall or dead womb of a woman without her consent, punishable by a maximum imprisonment of twelve years.
- d. Article 348 determines that the person who deliberately causes the fall or dead womb of a woman with her consent, punishable by a maximum imprisonment of five years and six months.
- e. Article 349 specifies that if a doctor, midwife or interpreter medications help commit a crime under section 346, or perform or help perform one of the crimes described in articles 347 and 348, then the punishment specified in the article can be added a third and inalienable rights do work that used to run the crime.

So the Criminal Code prohibits all kinds of abortion. Penal Code threatened with imprisonment for anyone who commits acts of abortion. This threat is not only focused on the woman in question, but everyone involved, including the midwife / doctor, interpreter drugs, as well as those who advocate abortion. Abortions that occur often done by parties that do not have the competence to pose a danger to the mother who conceived him and for society in general.

¹ Mien Rukmini, 2006, *Aspek Hukum Pidana Dan Kriminologi*, Cetakan Pertama. Alumni, Bandung, hlm. 22- 24.

In Law Number 36 Year 2009 on Health (Health Law) abortion regulated in Article 75, namely:

- (1) Every person is prohibited from having an abortion.
- (2) The prohibition referred to in paragraph (1) may be excluded on:
 - a. Emergency medical indications detected early age pregnancy, both of which threaten the life of the mother and / or fetus, who suffer from severe genetic disease and / or birth defects, or that can not be repaired so difficult for the baby to live outside the womb; or
 - b. pregnancy caused by rape which can cause psychological trauma for rape victims.
- (3) Measures referred to in paragraph (2) can only be done after counseling and / or pre-action counseling and ending with post-action counseling carried out by competent and authorized counselors.
- (4) Further provisions on emergency medical indications and rape, as referred to in paragraph (2) and (3) is regulated by the Government.

Abortion as referred to in Article 75 of the Health Act mentioned above can only be made if:

- a. Before pregnancy aged 6 (six) weeks counted from the first day of last menstruation, except in cases of medical emergencies;
- b. By health workers who have the skills and have a certificate authority specified by the minister;
- c. With the approval of pregnant women are concerned;
- d. With a husband's permission, except victims of rape; and
- e. Health care providers that meet the requirements established by the Minister.

So according to the Health Law abortion can be done if there is a medical indication and no pregnancy caused by rape. Law adheres to the principles of *lex specialis derogat legi generali* which means that special provisions are set aside provisions of a general nature. So abortion for rape victims is regulated in Article 75 paragraph (1) and (2) a special provision to exclude the Code of Criminal Indonesia (general provisions).

Reason doing abortion according to health act

In the medical point of view, abortion is allowed abortion based on medical indication (abortion *artificialis therapicus*). In addition, abortions are performed without a medical indication is categorized as criminal abortion (abortion *provocatus criminalis*). As for the intended medical indication is based on the mother's health, when safety of life is threatened by their mother's pregnancy, abortion can be performed.

The purpose of the medical indication is a condition that actually require specific medical action is taken because without certain medical procedures, the pregnant mother or her fetus threatened his life. So that the sense of his life is threatened is not abused by individuals subjectively it is required that before performing certain medical procedures, the health personnel who will perform the abortion must first ask for consideration of a team of experts that can consist of various fields such as medical, religious, legal and psychology. To maintain the quality of medical services, required also that health personnel who will perform the abortion must be health professionals who have the expertise and authority to it, namely the obstetrician and diseases of the womb.

In anticipation of future lawsuits, Health Law requires the consent of the pregnant woman, her husband or family. This sequence can be defined as the priority of approval. If a pregnant woman is unconscious, it is automatically requested consent from the husband and so on. Approval is generally granted in writing, that the form has been provided by the hospital. Abortion can only be done in health facilities have adequate personnel and equipment for such actions and have been appointed by the government, so it is not in vain health facilities.

Abortion from the point of view of religion

Viewed from the standpoint of religion, in general religions do not allow the implementation of abortion, namely:

1. Abortion is viewed in terms of Islam.

In terms of Shari'ah, abortion is fetal death or miscarriage before the perfect, although the fetus has not reached the age of six months. It can be concluded that abortion shari'ah not see the age of the content, but look to the perfection of the shape of the fetus.

Muslims believe that the Al-Quran is the most important law for human life. He said: "We are lowering the Al-Quran to you to explain everything." There is no verse in the Al-Quran which states that abortion should be carried out by Muslims. On the contrary, many verses that declare that the fetus in the womb is very precious. And many passages which states that the penalty for those who kill their fellow human beings is very terrible.

Here is the reason of the Al-Quran, which forbids abortion:

- a) Human regardless of his glorious is God's creation. Religion Islam upholds the sanctity of life. Many verses in the Al-Quran that bear witness to this. One of them, Allah says: "And indeed We have honored the human race." Surah 17:70
- b) Killing one life is tantamount to killing all people. Save one life is tantamount to rescue everyone. In the Islamic religion, each of our behavior towards other people's life, have an enormous impact. The Word of God: "Whoever kills a human being, not for reasons that require Qisas law, or not due to the unrest in the earth, it is as if he has killed all

mankind. And those who maintain the safety of the life of a human being, it is as if he saved the lives of human salvation everything. "Surah 5:32.

- c) Muslims are prohibited from having an abortion on the grounds do not have enough money or fear of lack of money. Many young mothers reasoned that because the income was unstable or insufficient savings, then he planned to abort.
- d) Abortion is murder. Killing means against God's command. Killing means committing criminal acts.
- e) Since we are still a fetus, God already knows us. Since we are still very small in the mother's womb, God already knows us. The Al-Quran states: "He is more aware you are, since the start God creation from earths and since you are still in your mother's womb." So, every fetus has known God, and the fetus is known of God that is killed in the abortion process.
- f) No pregnancy is a "crash" or accidental. Each fetus is formed is God's plan. God created man from clay, then into a clot and into the fetus.
- g) The Prophet Muhammad never advocated abortion. Even in the case of pregnant outside marriage though, the Prophet upholds life. Pregnant outside marriage means the results of fornication. Islamic law is very firmly against the perpetrators of adultery. So, this tradition relates that although the pregnancy was due to zina (extramarital) remains the fetus was to be maintained until the time comes. Not killed brutally.²

2. Abortion in terms of Christianity.

In Christianity, when a fetus is formed, the fetus was considered a gift from God and must be preserved and maintained for its existence as a fetus is considered a human being. Abortion is an act of heinous murders that do not have a feeling for fellow human beings and inhumane. Abortion in Christianity is strictly prohibited, and it is said that how God is not pleased on the assassination as was done in the act of abortion.

In the Bible, Exodus 21: 22-25 says that:

If there are people fighting and one of them was held to a woman who is pregnant, so the miscarriage, but it is not an accident that brings death, then he must be fined as much as that worn by the woman's husband to her, and she had to pay according to the judge's decision.

But if she had an accident that brings death, then you must give life for a life, eye for eye, tooth for tooth, hand for hand, foot for foot, wound dressing wounds, swelling replace swelling. In this case Christianity is strictly prohibited by the act of abortion for any reason because the law is very harsh.

3. Abortion According to the view of Hinduism (Hinduism Theology).

According to Hinduism Theology: Abortion is classified in the act called "Himsa karma" that is one sin that is aligned with the killing, hurt, and torture. Killing in a deeper sense as "loss of life" underlying philosophy "atma" or spirits that are already attached to the baby and even still shaped blobs that have not been perfect as the human body. Hence, abortion is equated with the act of killing. Hindu scriptures include Raveda 1.114.7 states: "Ma ma no uta mahantam no arbhakam" means: Do not disturb and harm the baby. Atharvaveda X.1.29: "Bhima Anagohatyavai" means: Do not kill no innocent babies. And Atharvaveda X.1.29: "Ma no gam asvam purusam vadhih" means: Do not kill humans and animals. In ephos Bharatayuda Sri Krishna has condemned Asvatama 3000 years living in misery, because Asvatama have to kill all the babies in the womb offspring Pandavas wives, and wives make it barren forever. Therefore sex occurs through ceremony and performed solely to have children, it is clear that abortion in Hinduism is not known and is not justified.³

Legal protection for victims of rape

1. Protection By Law

Settings protection of victims in criminal law Positive Indonesia set in:

a. In the Code of Penal (Penal Code).

Implicitly, the provisions of Article 14c paragraph (1) of the Criminal Code has provided protection to victims of crime. The Article determines: "In order mentioned in Article 14a except in the case of criminal fines imposed, then together with the general requirement that persons convicted will not commit a crime, the judge may hold a special condition that the convicted person shall compensate which occurs because of the criminal act, all or part of it, which will be determined in the commandment, which is less than the probation period. "So according to the provisions of Article 14c paragraph (1), as well as Article 14a and b of the Criminal Code, the judge can convict by setting specific requirement to convict with a view to replacing the losses caused to the victims.

b. In the Code of Criminal Procedure (Criminal Procedure Code) Chapter III About Merger Case Compensation.

Article 98 s / d 101 which regulates the remedies provided by the victim by combining criminal and civil cases. It is also a manifestation of the legal protection of victims, particularly victims of rape. So besides the perpetrator has to be punished in kind

² <http://www.aborsi.dalam.al-qur'an>. Diakses pada tanggal 20 Maret 2015.

³ <http://www.Dwijabhagawan.com>, 2008, *Mengenal Agama Hindu edisi 4*, diunduh pada tanggal 27 Maret 2015.

with his actions, the victim also get compensation for losses suffered. But this time prosecutors have never filed a claim for damages in cases of rape were handled. Although the victim to express or convey to all lodged a claim for damages, but prosecutors have never filed it and the judge had never leads. A claim for damages only in the writings of legislation alone. From the dimensions of the criminal justice system, the interests of victims in the process of settlement of the criminal case has two aspects, namely:

1) Positive Aspects

Criminal Procedure Code, through pretrial agencies, provide protection to the victims of control when the investigation or prosecution of his case discontinued. The existence of these controls is the manifestation of a form of protection to the victim so that the case is complete and can be resolved through legal mechanisms. Criminal Procedure Code also puts the victim in the process of settling disputes through two quality dimensions, namely:

First, the victim was present in court in a criminal proceedings as "witnesses" to testify about what you hear yourself and vicariously (Article 1 point 26 of the Criminal Procedure Code). Second, the victim was present in court in a criminal proceedings as "witnesses" who can file a claim for damages in the form of a combined amount of money for damages and suffering they experienced as a result of actions of the defendant. Therefore, in its capacity victim witness, giving testimony are passive. The presence of "victim witness" in front of the court meet legislative obligations, provide information about the event is seen, heard and experienced themselves. But, in his capacity as victims who sue for damages, the active nature of the victim in a case of merger lawsuit for damages.

2) Negative Aspects

As explained above, the interests of victims in the settlement process in the criminal justice system have a positive aspect. However, the reality has negative aspects. With reference to the Criminal Code, the protection of victims turned out to be limited, relatively deficient and inadequate. Concretely, the victim has not give proportionally attention, or protection of victims more an indirect protection.

c. Act No. 7 of 1984 on Ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Act No. 7 of 1984 is the ratification of CEDAW. This woman Convention in its formation there is the consideration that the Universal Declaration of Human Rights (Universal Declaration of Human Rights), affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights, that everyone is entitled to all the rights and truth freedoms set forth therein, without distinction of any kind, including gender differences. Discrimination against women violates the principles of equality and respect for human dignity is an obstacle to the participation of women on equal terms with men.⁴

Article 75 paragraph (2) b of the Health Law stipulates that "pregnancy due to rape that can cause psychological trauma for rape victims", it can be given legal protection against the victim contained in Article 77 of the Health Act, namely: "The government is obliged to protect and prevent women from abortion as referred to in Article 75 paragraph (2) and (3) are not qualified, unsafe, and irresponsible and contrary to the religious norms and provisions of the legislation".

Article 77 of the Health Act gives the explanation that the government is obliged to protect and prevent victims of rape from abortion-quality, unsafe and irresponsible as opposed to religious norms and other regulations. Because in Article 2 of the Health Law determines the principles of protection: health development organized by the principles of humanities, balance, benefits, protection, respect for rights and obligations, justice, non-discriminatory and gender and religious norms.

So in the Criminal Code, Criminal Procedure Code and Health Act can be seen that the protection of the rights of victims can also be compensation for victims as namely:

- a. Restitution, compensation given by the perpetrator.
- b. Compensation, compensation by the state because the offender can not afford. As efforts to provide services to victims of crime in order to develop prosperity and justice.
- c. Help: treatment, mental recovery (psychiatrist, psychologist, volunteers), the victim should be informed of the health condition. Law enforcement officers must always stand ready to help also give special attention to each victim.

2. Protection for Community

a. Family

The family is the people closest to the victim who has a big hand in helping to provide protection to the victims. This can be demonstrated by the always entertaining the victim, do not bring up by asking who has suffered rape incident, provide encouragement and motivation that victims should not be too late with his problems, giving confidence that they experienced rape should not ruin his future, to protect him of scorn poor people who judge themselves, and others. This sort of thing is very important and is needed by the victim, because basically the rape victim is a double victim of physical violence other than sexual, he also suffered psychological violence is not easy and requires a long time to recover.

⁴ Lilik Mulyadi, 1997, *Perlindungan Korban Dalam Sistem Peradilan Pidana*, Badan Penerbit Universitas Diponegoro, Semarang, hlm. 172.

b. Society

Not much different from the role of the family, the community also has an important role to help restore the victim's psychological condition. Societies are expected to nurture and protect victims by not isolating the victim, do not give bad ratings to the victim, and others. This kind of treatment is also considered as one of the manifestations of protection to the victim, because the attitude of a good society, the victim does not feel insecure and afraid to live a social life.

Article 48 of the Criminal Code recognizes the existence of forced power can abolish the punishment for the one who committed the crime. Rape victims faced with two choices between an abortion or continue the pregnancy. In the theory of criminal law, forced power can be divided into two: the forced power or coercion in the strict sense and a state of emergency or noodtoestand. While noodtoestand itself is likely, the person wedged between two (2) interests, in this case there is a conflict between the two interests, namely:

- a) People sandwiched between the interests and obligations;
- b) People sandwiched between two (2) interests.⁵

By basing the development of the situation in society, Article 48 of the Criminal Code should be interpreted broadly. The meaning of "the influence of forced" here includes also public opinion that threatens the mental health of the pregnant rape victim. The intention of rape victims to an abortion is not necessarily only come from his conscience, because he realized that the embryo/fetus is innocent. But the fear of public perception that the child is the child she bore out of wedlock, gave birth to a child without a husband, his children would be labeled as an illegitimate child, and the views are more likely to trigger intention minor rape victim for abortion. Public opinion can be categorized as forced power (coercion) which come from outside the victim of rape and sociological force rape victims to an abortion in order to avoid bad stigma in the community.

Criteria that pregnancies resulting from rape can be aborted or invalidated

- a. Gestational age less than 6 (six) weeks.

According to the Health Act, pregnancies resulting from rape can be aborted or invalidated if the pregnancy was caused psychological trauma for rape victims is and can only be done after counseling and /or pre-action advice and counseling post ends with the action taken by the competent counselor and authorities. Abortion can be done if the pregnancy less than 6 (six) weeks, and if the passing of 6 (six) weeks then it has become illegal and can no longer do abortions despite legal assistance.

- b. Determined in medicine.

Abortion is a controversial issue. Consideration of the implementation of abortion should be viewed from the aspect of ethics and professionalism of medicine, law, and religion. Implementation of abortion should be through consideration of the various parties involved and competent. According to medical ethics, every doctor must respect every human being. Because there are contradictions and oath doctors associated with the initiation of an early life, then in medical ethics, the implementation of abortion in this case be returned to the conscience of each doctor. In the ethics of professionalism, if a doctor did not encourage him to carry out the abortion, then the doctor may recommend the implementation of these abortions to other doctors who are competent in their field, to keep track of and responsible for the safety and development of the next patient. In this case, if the doctor did not examine victims of medical science, the doctor can be convicted and violates medical ethics because Article 15 (1) of the Health Law determines that an abortion can be performed:

- 1) Based on medical indications, which requires that the measures taken.
- 2) By health professionals who have the expertise and authority to it, and conducted in accordance with the responsibilities of the profession and is based on expert judgment.
- 3) With the approval of the concerned pregnant women or their husbands or families.
- 4) At certain health facilities.

- c. Pregnancy was stated by the police investigation does happen because of rape.

The magnitude of the risks faced by the concerned doctor in an abortion because of rape then the physician should consider whether the pregnancy was really happening because raped by requiring proof of a certificate from the police investigation. With the evidence of police investigation letter stating that the victim actually pregnant because of rape, the doctor was able to do the next step to validate a certificate issued by the police investigation. If the certificate issued by the police investigation did not prove true or lapse date of the incident or the victim reporting to the police with a gestational age determined by Health Act is six (6) weeks then the doctor can not proceed further because it is past the limit prescribed by the doctor and Health Act. If the doctor performs an abortion after pregnancy passing of 6 (six) weeks of the doctor can be convicted and violating codes of medical ethics and accused of illegal abortions that lead to accountability is not clear when things happen that are not desirable. This is in accordance with Article 77 of the Health Act which stipulates that the government is obliged to protect and prevent women from abortions as referred to in Article 75 paragraph (2) and (3) are not qualified, unsafe, and irresponsible and contrary to the norms of religion and the provisions of the legislation. The meaning of abortion practices inferior, unsafe, and no

⁵ Schaffmeister, Nico Keizer, PH Sitorus., 1995, *Hukum Pidana*, penerjemah YE Sahetapy, Liberty, Yogyakarta, hlm. 153.

responsibility is abortion performed by force and without the consent of the women concerned, carried out by non-professional health workers, without following professional standards and applicable services, discriminatory, or more prioritize material rewards than medical indications.

Health Act did not explain in writing that the abortion because of rape to be proved first that the victim actually pregnant because of rape by a certificate from the police investigation. With no evidence of police investigators explained clearly by the Health Act requires that physicians should better understand the Health Act, especially on abortion and understand certificate issued by police investigators to avoid the doctor of all charges in the future.

d. Health factors

Health is a major factor that must be considered in performing an abortion doctor, the health of both babies and mothers-containing. In an abortion doctor considers the health of the mother is expecting a baby if it is not done after the abortion or abortion. In the medical examination, pregnant mother suffered ill health as a psychological trauma can be performed abortion. If the medical examination of pregnant mother because rape was not experiencing psychological trauma or other health problems also can be an abortion doctor. Doctors have abortions without the mother's health problems containing the grounds infants detected experience health problems such as, babies have detected no brain, severe genetic disease or congenital defect making it difficult for the baby to live outside the womb.

This is in accordance with Article 75 of the Health Act determines:

- (1) Every person is prohibited from having an abortion.
- (2) The prohibition referred to in paragraph (1) may be excluded on:
 - a. Emergency medical indications detected early age pregnancy, both of which threaten the life of the mother and / or fetus, who suffer from severe genetic disease and / or birth defects, or that can not be repaired so difficult for the baby to live outside the womb; or
 - b. Pregnancy caused by rape which can cause psychological trauma for rape victims.
- (3) Measures referred to in paragraph (2) can only be done after counseling and / or pre-action counseling and ending with post-action counseling carried out by competent and authorized counselors.
- (4) Further provisions on emergency medical indications and rape, as referred to in paragraph (2) and (3) is regulated by the Government.

Determination of the psychological trauma of women who became pregnant due to rape

Psychological trauma is the mental disorder resulting from traumatic events. Traumatic events can all be experienced, long-term survival, or repeatedly experienced by the patient. The event beat individuals to cope with and integrate the ideas and emotions. The events of violence against women in the form of assault and rape can cause stress or psychological trauma.

According to Kaplan and Saddock stress disorder consists of:

- a. Back trauma experience through dreams and waking thoughts.
- b. Persistent avoidance by patients to trauma and blunting the responsiveness of the patient.
- c. Excessive awareness (hyperarousal).⁶

The characteristics of psychological disorders because of the violence women are:

- a. Strong fear and sense of helplessness.
- b. Repetitive scary dreams about the violence experienced.
- c. Behave or feel as if the violent events from happening again.
- d. Avoidance of stimuli associated with the persistent violence experienced since the general responsiveness (not found before the trauma of violence), including:

- 1) Efforts to avoid thoughts, feelings, or conversations associated with violence experienced.
- 2) Efforts to avoid activities, places, or people who are aware of recollection with violence experienced.
- 3) Not being able to remember important aspects of the violence experienced.
- 4) Feeling detached or estranged from others.
- 5) Affect a limited range (not afford to have feelings of love).
- 6) Feeling that the future becomes shorter.

e. Increased awareness (not found before the trauma of violence), namely:

- 1) Difficulty falling asleep or staying asleep.
- 2) Irritability or outbursts of anger.
- 3) It's hard to concentrate.
- 4) Excessive vigilance.
- 5) Exaggerated startle response.⁷

According to psychoanalysis women victims of violence do ego defense mechanism. Ego defense mechanism is a form

⁶ Kaplan dan Saddock, 1997, *Trauma Psikologis*, Ghalia Indonesia, Jakarta, hlm. 135.

⁷ *Ibid.*

of self-defense mechanism to avoid threatening condition. Ego defense mechanism in the form of repression to suppress the anxiety to remain in the subconscious. Although the violence has been suppressed as such, but because it is stressful live events, the ego is less able to hold it. So that every victim met with the things that relating to violence experienced, the victim will always be haunted by anxiety.⁸

Abortion pregnancy because rape can be done by a doctor that would constitute rape victim had suffered psychological trauma with doctors ascertained by psychologists and psychiatrists. Every woman who has experienced depression or stress because of pregnancy due raped 30% were identified intend to commit suicide.

Pregnancy due to rape victims have the possibility of post-rape experience stress that can be divided into two, namely stress immediate and long-term stress. Stress is a reaction which occurs immediately after the rape as physical pain, guilt, fear, anxiety, shame, anger, and helplessness. Long-term stress is a certain psychological symptoms were perceived as a victim of a trauma that causes the victim to have self-esteem, negative self-concept, self-closing of the association, as well as somatic reactions such as heart palpitations and excessive sweating. Long-term stress lasting more than 30 days also known as Post Traumatic Stress Disorder (PTSD).

The victims were pregnant because of rape may be experiencing severe trauma because of the events of the rape was a surprise for the victim. In general, these events can cause short-term effects and long term. Both are an adaptation process after a person experiences a traumatic event. Short-term effects typically experienced a moment until a few days after the incident. Short-term effects include physical aspect of the victim, such as no disturbance of the reproductive organs (infection, damage to the hymen, and bleeding due to tearing of the vaginal wall) and injuries on the body due to resistance or physical abuse. Psychological terms are usually victims feel very angry, upset, guilt, shame, and humiliation. This emotional disturbances usually cause trouble sleeping (insomnia), loss of appetite, depression, stress, and fear. If the impact is prolonged to more than 30 days and was followed by a variety of symptoms such as fear of having nightmares, memories of the events suddenly appears, it means that the victim suffered Post Traumatic Stress Disorder (PTSD), otherwise known as post-traumatic stress. It is not possible victim feeling suicidal as an escape from his problems. Sometimes victims feel that their life has ended with the events experienced pregnancy due to rape them. Under these conditions the victim feeling very unstable and sadness that protracted. They will feel that the fate they experienced very bad. In addition there is the possibility that they blame themselves for the rape they experience. In cases like these, the disorders that may occur or suffered by the victim will be more complex.

Conclusion

1. Criteria and reasons that pregnancies resulting from rape can be aborted or invalidated by a doctor is:
 - a. Gestational age less than 6 (six) weeks, because the pregnancy was considered not to be human but only blood, whereas if the passing of 6 (six) weeks, the fetus is considered to have become a man because his heart has begun to beat.
 - b. Pregnancies occur because of rape was examined by medical science by using Ultra sonography (USG) and the examination of rape should not be passed from 2 (two) weeks after a person is raped because rape can destroy evidence.
 - c. Declared by the concerned police investigation that actually pregnant because of rape which is equipped with a proof that someone was really raped, by adjusting the date the complaint of victims and the age of the content and the date rape incident.
 - d. That the grounds of medical indications that health factors.
2. Determination of proving the existence of psychological trauma or women who are pregnant due to rape is to be proved by checking the rape victim to psychiatric specialist and a psychiatrist who was brought by doctors, police investigators and the victim's family, to ensure rape victims who become pregnant is true cause psychological trauma or stress and also to protect doctors from all charges in the future.

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⁸ <http://www.trauma.psikologis>, diakses tanggal 03 Mei 2015.