

Abortion Law in Indonesia: Reconciling Criminal Justice, Islamic Law, and Human Rights

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Abstract: This study aims to analyze abortion law in Indonesia through the perspectives of criminal justice and Islamic law, particularly following the enactment of Law Number 1 of 2023 concerning the Indonesian Criminal Code. The study examines the legal construction of abortion offences, the criminal regulation established under Indonesia's new Criminal Code, and the extent to which these provisions correspond with Islamic legal principles and human rights considerations. This research employs a normative juridical method using statutory and conceptual approaches, supported by library research involving the analysis of primary legal materials, including legislation and Islamic legal sources, as well as secondary materials consisting of scholarly works and academic studies on abortion regulation. The findings demonstrate that Indonesian criminal justice maintains abortion as a prohibited act subject to criminal sanctions while providing limited legal exceptions for pregnancies resulting from rape or sexual violence and for medical emergencies. From the perspective of Islamic law, these exceptions may be accepted when they fulfil the principles of necessity and are consistent with the objectives of *maqasid al-shari'ah*, particularly the preservation of life (*hifz al-nafs*) and the preservation of progeny (*hifz al-nasl*). The study concludes that abortion regulation in Indonesia represents a legal reform effort aimed at balancing criminal responsibility, Islamic legal values, and human rights protection. This research contributes academically by enriching the discourse on abortion law reform and demonstrating how criminal justice and Islamic law interact in addressing reproductive issues within a contemporary legal system.

Keywords: Abortion Law, Criminal Justice, Human Rights, Islamic Law, Legal Reform

1. Introduction

Abortion remains one of the most contested legal and social issues because it involves complex relations between the protection of unborn life,¹ women's health,² medical responsibility, and the authority of the state in regulating reproductive conduct. In Indonesia, abortion regulation has historically been characterized by a strong prohibition-oriented approach, where termination of pregnancy is generally treated as a criminal act due to its connection with the protection of life.³ However, social realities demonstrate that abortion cases cannot always be understood through a single perspective because certain circumstances, such as pregnancies resulting from sexual violence and serious medical conditions, create complex situations requiring legal consideration. Women who experience pregnancy due to rape may face prolonged psychological trauma, social pressure, and physical consequences, while medical emergencies may require immediate decisions to protect the life and health of the pregnant

¹ Inga Koralewska and Katarzyna Zielińska, "Defending the Unborn," "Protecting Women," and "Preserving Culture and Nation": Anti-Abortion Discourse in the Polish Right-Wing Press," *Culture, Health & Sexuality* 24, no. 5 (May 2, 2022): 673–87, <https://doi.org/10.1080/13691058.2021.1878559>.

² Emily McLean et al., "When the Law Makes Doors Slightly Open: Ethical Dilemmas Among Abortion Service Providers in Addis Ababa, Ethiopia," *BMC Medical Ethics* 20, no. 1 (2019): 60, <https://doi.org/10.1186/s12910-019-0396-4>.

³ Triantono et al., "When the Law Fails the Victim: Deconstructing the Criminalization of Abortion for Rape Survivors in Indonesia," *International Journal for the Semiotics of Law* 38, no. 7 (2025): 2445–69, <https://doi.org/10.1007/s11196-025-10279-8>.

woman.⁴ At the same time, healthcare professionals require clear legal standards to determine the boundaries between lawful medical procedures and criminal responsibility.⁵ These conditions have encouraged continuous debate regarding how the legal system should balance the protection of fetal life with the obligation to provide protection for women in exceptional circumstances.⁶ The enactment of Law Number 1 of 2023 concerning the Indonesian Criminal Code represents a significant development in this debate because it introduces a more differentiated regulatory model by maintaining criminal prohibition while recognizing limited exceptions. Therefore, abortion regulation has become an important subject of legal study because it reflects broader questions concerning criminal policy, healthcare protection, religious values, and the role of law in responding to complex social realities.

Previous studies on abortion regulation have provided important contributions from various academic perspectives, yet several limitations remain in explaining the complexity of abortion law in Indonesia. Research within criminal law studies has generally focused on the classification of abortion as a criminal offence, the application of sanctions, and the protection of fetal life.⁷ Although these studies provide significant understanding of criminal regulation, many were developed before the enactment of the new Indonesian Criminal Code and therefore provide limited analysis of recent legal transformations. Meanwhile, studies examining abortion from an Islamic legal perspective have extensively discussed the permissibility and prohibition of abortion, differences among juristic schools, and the significance of fetal development in determining legal status.⁸ However, these studies often remain within doctrinal discussions and have not sufficiently connected Islamic legal reasoning with contemporary Indonesian statutory reform.⁹ Other studies focusing on women's protection and reproductive health have emphasized issues of healthcare access, psychological consequences, and the protection of victims of sexual violence, but they frequently examine abortion outside the framework of criminal regulation and religious legal considerations.¹⁰ These fragmented approaches indicate that existing literature tends to analyze abortion through separate legal, religious, or social dimensions rather than examining their interaction within Indonesia's plural legal environment.¹¹ Consequently, there remains a need for research that explores how abortion regulation is reconstructed through the interaction between national legal reform, Islamic legal principles, and broader considerations of human protection.

The evaluation of previous studies demonstrates that existing scholarship has established important foundations for understanding abortion regulation but has not fully addressed the implications of recent legal developments in Indonesia. Studies on criminal regulation have successfully explained the historical tendency of Indonesian law to prioritize the protection of fetal life through criminal prohibition, while studies on Islamic jurisprudence have shown the diversity of legal reasoning concerning abortion, including the role of necessity and exceptional circumstances. Nevertheless, these approaches often operate separately and provide limited explanation regarding how different normative frameworks interact in shaping contemporary abortion regulation.¹² The reform introduced through Law Number 1 of

⁴ Katherine Side, "Abortion Im/Mobility: Spatial Consequences in the Republic of Ireland," *Feminist Review* 124, no. 1 (2020): 15–31, <https://doi.org/10.1177/0141778919894891>.

⁵ Lauren R Fink et al., "The Fetus Is My Patient, Too': Attitudes Toward Abortion and Referral Among Physician Conscientious Objectors in Bogotá, Colombia," *International Perspectives on Sexual and Reproductive Health* 42, no. 2 (2016): 71–80, <https://doi.org/10.1363/42e1016>.

⁶ Dorota Szelewa, "Killing 'Unborn Children'? The Catholic Church and Abortion Law in Poland Since 1989," *Social and Legal Studies* 25, no. 6 (2016): 741–64, <https://doi.org/10.1177/0964663916668247>.

⁷ Susheela Singh et al., "The Incidence of Menstrual Regulation Procedures and Abortion in Bangladesh, 2014," *International Perspectives on Sexual and Reproductive Health* 43, no. 1 (2017): 1–11, <https://doi.org/10.1363/43e2417>.

⁸ B M Anisa et al., "Knowledge, Attitude, and Practice Towards Risks of Abortion Among Women in Ciracas District, Jakarta, in 2016," *Advanced Science Letters* 23, no. 7 (2017): 6752–54, <https://doi.org/10.1166/asl.2017.9388>.

⁹ Fifik Wiryani, Widjanarko Andang, and M Nasser, "Abortion Legalization and the Child in the Womb's Right to Life: A Study from Indonesia," *International Journal of Criminology and Sociology* 9 (2020): 1837–43, <https://doi.org/10.6000/1929-4409.2020.09.210>.

¹⁰ Dedi Masri and Randy Putra Alamsyah, "Force Majeure in Abortion: A Review of Ulama Fatwas and Indonesian Health Law," *Malaysian Journal of Syariah and Law* 14, no. 1 (2026): 61–76, <https://doi.org/10.33102/mjssl.vol14no1.1179>.

¹¹ Salsabila Triandani et al., "Abortion Laws in Indonesia and Islam: A Clash of Morality, Religion, and Rights," *Contemporary Issues on Interfaith Law and Society* 3, no. 2 (2024): 283–308, <https://doi.org/10.15294/ciils.v3i2.31407>.

¹² Mirya Holman, Erica Podrazik, and Heather Silber Mohamed, "Choosing Choice: How Gender and Religiosity Shape Abortion Attitudes among Latinos," *Journal of Race, Ethnicity and Politics* 5, no. 2 (2020): 384–411, <https://doi.org/10.1017/rep.2019.51>.

2023 requires further examination because it represents a transformation in Indonesian criminal policy by maintaining prohibition while introducing legally recognized exceptions. This transformation raises important questions regarding the relationship between statutory regulation, religious values, and the protection of individuals facing extraordinary conditions.¹³ Therefore, this study positions itself differently by examining abortion regulation not merely as a criminal prohibition issue but as a broader legal construction involving competing interests and multiple sources of normative legitimacy. The study contributes to existing discussions by analyzing how Indonesian abortion regulation reflects a process of legal negotiation between the protection of life, medical considerations, social realities, and ethical values. Through this approach, the research seeks to provide a more comprehensive understanding of abortion regulation within Indonesia's legal system and demonstrate how contemporary legal reform responds to sensitive issues that require both normative consistency and contextual interpretation.

The objective of this study is to examine the construction of abortion regulation within the development of Indonesian legal norms and to analyze how this regulation can be understood through Islamic legal reasoning and broader principles of human protection. This study seeks to identify the transformation of abortion offences following the enactment of Law Number 1 of 2023, examine the legal basis for recognizing limited exceptions related to sexual violence and medical emergencies, and analyze the relevance of Islamic criminal law perspectives in explaining the regulation of abortion within the Indonesian legal system. Based on these objectives, this research addresses the question of how Indonesian abortion regulation has been reconstructed through recent legal reform and how the relationship between legal prohibition, exceptional circumstances, and protection of individuals can be understood within a plural normative framework. This study argues that Indonesian abortion regulation has experienced a significant transformation from a model centered on absolute criminal prohibition toward a system of limited legal protection that recognizes specific exceptions under strict conditions. Such transformation does not indicate the abandonment of restrictions on abortion but reflects an attempt to achieve balance between the protection of fetal life, women's health, medical responsibility, and legal certainty. Furthermore, this study argues that Islamic criminal law provides an important analytical perspective for understanding abortion regulation because it contains mechanisms for evaluating exceptional circumstances through principles of responsibility, necessity, and protection of life. Through this integrated analysis, the research contributes to broader discussions on abortion regulation by explaining the interaction between legal reform, religious reasoning, and social protection within Indonesia's contemporary legal framework.

2. Method

This study employs a normative juridical research method with a qualitative approach to analyze abortion regulation in Indonesia from the perspectives of criminal law, Islamic law, and human rights. The research was conducted from January to June 2026 through library research and legal document analysis. The primary legal materials include statutory regulations, particularly Law Number 1 of 2023 concerning the Indonesian Criminal Code, provisions governing abortion offences and exceptions, and other relevant regulations concerning reproductive health and criminal liability. Secondary legal materials consist of scholarly journal articles, academic books, legal commentaries, research reports, and previous studies related to abortion regulation, Islamic criminal law, and human rights protection. The collection of legal materials was conducted through systematic documentation by identifying, selecting, classifying, and analyzing sources based on their authority, relevance, and contribution to the research objectives. The research procedure consisted of several stages, including the inventory of legal materials, examination of legal norms, identification of relevant legal concepts, and assessment of the relationship between Indonesian criminal law and Islamic legal principles. The researcher critically evaluated each source to ensure that the materials used provided sufficient theoretical and juridical support for the analysis. This

¹³ Katie Woodruff, "Coverage of Abortion in Select U.S. Newspapers," *Women's Health Issues* 29, no. 1 (2019): 80–86, <https://doi.org/10.1016/j.whi.2018.08.008>.

methodological framework was designed to produce a systematic, comprehensive, and replicable examination of abortion regulation within Indonesia's contemporary legal system.

The collected legal materials were analyzed qualitatively using descriptive-analytical methods through statutory, conceptual, and Islamic legal approaches. The statutory approach was applied to examine the legal construction of abortion offences, criminal responsibility, and the reasons underlying the exceptions recognized under Indonesian criminal law. The conceptual approach was used to analyze fundamental legal concepts related to human dignity, reproductive rights, protection of life, and the relationship between individual autonomy and state regulation. In addition, the study employed the framework of *maqasid al-shari'ah*, particularly the principles of protection of life (*hifz al-nafs*) and protection of progeny (*hifz al-nasl*), to evaluate abortion regulation from the perspective of Islamic legal objectives. The analytical process involved interpreting legal provisions, comparing doctrinal opinions, and synthesizing arguments derived from positive law, Islamic jurisprudence, and human rights literature. The consistency of the findings was maintained through source triangulation by comparing legislation, Islamic legal references, and academic interpretations from various scholars. This approach enables the study to provide a balanced and in-depth understanding of abortion regulation in Indonesia and its implications for criminal justice, Islamic legal thought, and human rights discourse.

3. Result and Discussion

3.1. Legal Reform of Abortion Offences under Indonesian Positive Law

The enactment of Law Number 1 of 2023 concerning the Indonesian Criminal Code represents a significant reconstruction of abortion offences within Indonesia's criminal law system. Under the previous Criminal Code, abortion was primarily regulated through Articles 346–349, which established a broad criminal prohibition against intentionally terminating pregnancy. The regulation emphasized the protection of fetal life by imposing criminal liability on pregnant women, individuals assisting abortion procedures, and healthcare providers involved in such actions. However, the new Criminal Code introduces a different legal construction by maintaining abortion as a criminal offence while recognizing specific circumstances that exclude criminal liability. Article 463 paragraphs (1) and (2) demonstrates this restructuring by distinguishing between unlawful abortion and abortion conducted under legally recognized exceptions.¹⁴ This change indicates that abortion regulation is no longer constructed solely through absolute prohibition but through a differentiated criminal model based on the circumstances surrounding the act. The reconstruction also affects the scope of legal subjects involved,¹⁵ as criminal responsibility is now accompanied by recognition of situations where women and healthcare professionals may receive legal protection.¹⁶ Therefore, the reform under Law Number 1 of 2023 demonstrates a transformation in the formulation of abortion offences from a general prohibition model toward a conditional regulation system that provides clearer boundaries between criminal acts and legally justified medical procedures.

The reform of abortion regulation in Indonesia is reflected in the recognition of limited exceptions for pregnancies resulting from rape and medical emergency conditions. These exceptions represent a new manifestation of legal protection within a regulatory framework that previously treated abortion as a predominantly prohibited act. In cases involving rape, Indonesian law provides protection for victims whose pregnancies occur as a consequence of sexual violence by allowing abortion under specific legal requirements. This recognition is reflected in Article 463 paragraph (2) of Law Number 1 of 2023 and further regulated through health legislation and implementing regulations. Similarly, abortion is also permitted when a medical emergency threatens the life or health of the pregnant woman or involves serious fetal conditions that prevent survival. The existence of these exceptions demonstrates that

¹⁴ Wiryani, Andang, and Nasser, "Abortion Legalization and the Child in the Womb's Right to Life: A Study from Indonesia."

¹⁵ Beth Reingold et al., "Anti-Abortion Policymaking and Women's Representation," *Political Research Quarterly* 74, no. 2 (2021): 403–20, <https://doi.org/10.1177/1065912920903381>.

¹⁶ Anna L. Altshuler et al., "'Going through It Together': Being Accompanied by Loved Ones during Birth and Abortion," *Social Science and Medicine* 284 (2021), <https://doi.org/10.1016/j.socscimed.2021.114234>.

Indonesian law has developed a more contextual approach by considering the circumstances that surround pregnancy termination. Rather than eliminating criminal restrictions, the legal framework establishes narrowly defined conditions under which abortion may be considered lawful. The findings show that rape and medical emergency exceptions constitute two primary legal manifestations of reform, reflecting the state's attempt to accommodate humanitarian considerations while maintaining restrictions on abortion practices. These exceptions form the foundation of the current legal differentiation between prohibited abortion and legally protected medical intervention.

The emergence of abortion reform in Indonesia is influenced by several legal and social factors, particularly the development of criminal law policy and the increasing recognition of health protection obligations. The revision of Indonesia's criminal law system through Law Number 1 of 2023 created an opportunity to reconsider previous abortion provisions that were viewed as insufficient in responding to contemporary legal realities. One important factor contributing to reform was the need to provide legal certainty for women experiencing exceptional circumstances, particularly victims of sexual violence and patients facing serious medical risks. In addition, developments in health protection policy encouraged the establishment of a regulatory balance between criminal prohibition and medical necessity. Healthcare professionals require clear legal standards to distinguish between unlawful abortion and medically justified procedures performed to protect patients' lives and health. The emergence of Law Number 17 of 2023 on Health and Government Regulation Number 28 of 2024 demonstrates the influence of public health considerations in shaping abortion governance. Furthermore, increased attention to the protection of victims of sexual violence through Law Number 12 of 2022 has contributed to the recognition that pregnancy resulting from sexual violence requires specific legal treatment. These factors collectively explain the emergence of a more structured abortion regulation system within Indonesia's contemporary legal framework.

The regulation of abortion in Indonesia is formed through the interaction of several legal instruments that create an integrated regulatory framework. The findings indicate that abortion governance is not solely determined by criminal law provisions but also depends on the relationship between criminal regulations, health legislation, and victim protection mechanisms. Law Number 1 of 2023 establishes the criminal boundaries of abortion, while Law Number 17 of 2023 on Health provides the medical basis for permissible abortion procedures. These provisions are further complemented by Government Regulation Number 28 of 2024, which establishes technical requirements concerning gestational age, medical assessment, healthcare facilities, and professional authority. In cases involving pregnancy resulting from sexual violence, Law Number 12 of 2022 on Sexual Violence Crimes provides additional protection mechanisms for victims. The interaction among these regulations demonstrates that abortion law in Indonesia operates through a multi-layered legal structure rather than through a single statutory provision. This harmonization creates a framework in which criminal liability, healthcare standards, and victim protection are connected within one regulatory system. The findings reveal that the effectiveness of abortion regulation depends on the consistency between these legal instruments and their ability to provide clear guidance for women, healthcare providers, and law enforcement institutions.

The legal reform of abortion has also produced changes in the procedural requirements governing lawful abortion implementation.¹⁷ The current framework establishes several safeguards to ensure that abortion conducted under exceptional circumstances follows strict legal and medical standards. The findings show that lawful abortion requires verification of specific conditions, including medical assessment, confirmation of pregnancy circumstances, compliance with gestational age requirements, and involvement of authorized healthcare professionals. Government Regulation Number 28 of 2024 provides detailed procedures requiring that abortion be performed by qualified physicians in accredited healthcare facilities. In addition, counseling before and after the procedure constitutes an important component of the regulatory framework to ensure informed decision-making and provide psychological support for

¹⁷ Mariela Daby and Mason W Moseley, "Feminist Mobilization and the Abortion Debate in Latin America: Lessons from Argentina," *Politics and Gender* 18, no. 2 (2022): 359–93, <https://doi.org/10.1017/S1743923X20000197>.

women undergoing abortion procedures. These procedural requirements demonstrate that legal reform has transformed abortion regulation from a question of criminal prohibition into a regulated medical and legal process. The establishment of procedural safeguards also provides greater certainty for healthcare professionals by defining the circumstances under which abortion services may be legally performed. Therefore, the transformation of implementation procedures represents one of the important consequences of abortion reform in Indonesia, as it creates mechanisms that connect legal permission with professional responsibility and institutional accountability.

The reform of abortion regulation under Indonesia's contemporary legal framework demonstrates a significant change in the direction of criminal policy.¹⁸ The findings indicate that Indonesian abortion law has moved from an approach based on comprehensive criminalization toward a model of limited legal protection.¹⁹ The previous regulatory framework emphasized punishment as the primary instrument for controlling abortion practices,²⁰ with minimal recognition of exceptional circumstances.²¹ In contrast, the current framework maintains criminal sanctions while allowing narrowly defined exceptions based on humanitarian, medical, and victim protection considerations. This development reflects a transformation in the purpose of criminal law, where regulation is not only aimed at imposing penalties but also at establishing legal protection mechanisms for individuals facing exceptional conditions. The recognition of lawful abortion procedures demonstrates that criminal law now functions alongside health regulation and social protection policies. This changing direction provides a new legal balance between protecting fetal life, ensuring women's safety, and providing certainty for healthcare professionals. Consequently, the reform of abortion offences under Law Number 1 of 2023 represents a broader transformation in Indonesia's criminal justice policy by introducing a more differentiated and contextual approach to regulating abortion.

3.2. Maqasid al-Shari'ah Foundations in Islamic Criminal Law on Abortion

The protection of life (*hifz al-nafs*) constitutes one of the central principles underlying the Islamic legal position on abortion. Islamic criminal law recognizes human life as a sacred value that requires protection from the earliest stages of existence. Within this framework, the fetus is not viewed merely as a biological consequence of pregnancy but as a developing form of human life that possesses moral and legal significance. Therefore, the termination of pregnancy without a legally accepted justification is generally considered prohibited because it involves the destruction of protected human existence. The principle of *hifz al-nafs* provides the normative foundation for Islamic jurists in establishing restrictions on abortion by emphasizing the sanctity of life and the prohibition of unjustified harm. This principle is derived from broader Islamic teachings concerning the preservation of human existence and the prohibition of taking life without legitimate reasons. Qur'anic teachings on the sanctity of life and Prophetic traditions regarding fetal development have become important references in determining the legal status of abortion. These sources demonstrate that the protection of life occupies a fundamental position in Islamic criminal law and influences the formulation of legal restrictions against abortion. Accordingly, *hifz al-nafs* functions as the primary principle that explains why abortion is generally prohibited while also providing the basis for evaluating exceptional circumstances where different legal considerations may apply.

The protection of progeny (*hifz al-nasl*) represents another important foundation in Islamic criminal law concerning the regulation of abortion. This principle emphasizes the preservation of human lineage and the continuity of future generations as essential elements of Islamic legal objectives. The fetus is therefore understood as part of human reproduction that requires protection because its existence

¹⁸ Emily Freeman and Ernestina Coast, "Conscientious Objection to Abortion: Zambian Healthcare Practitioners' Beliefs and Practices," *Social Science and Medicine* 221 (2019): 106–14, <https://doi.org/10.1016/j.socscimed.2018.12.018>.

¹⁹ Lisa Eklund and Navtej Purewal, "The Bio-Politics of Population Control and Sex-Selective Abortion in China and India," *Feminism and Psychology* 27, no. 1 (2017): 34–55, <https://doi.org/10.1177/0959353516682262>.

²⁰ Brittany M Charlton et al., "Sexual Orientation Differences in Pregnancy and Abortion Across the Lifecourse," *Women's Health Issues* 30, no. 2 (2020): 65–72, <https://doi.org/10.1016/j.whi.2019.10.007>.

²¹ Masood Badri et al., "Starting over After Divorce: A Psychosocial Analysis of Emotional Distress, Social Disconnection, and Mental Well-Being Among Women in Abu Dhabi," *Psychiatry International* 6, no. 2 (June 6, 2025): 69, <https://doi.org/10.3390/psychiatryint6020069>.

represents the continuation of family and social order. From this perspective, abortion without legitimate justification is considered inconsistent with the objective of safeguarding progeny because it interrupts the process of human continuity. Islamic jurists have extensively discussed the legal status of the fetus by examining the stages of pregnancy and the development of human existence in the womb. The concept of *nafkh al-ruh* (ensoulment), traditionally associated with approximately 120 days of pregnancy, has become a significant reference in determining the increasing level of legal protection granted to the fetus. Before and after this stage, jurists have developed different approaches regarding the permissibility of abortion and the degree of responsibility involved. Nevertheless, the principle of *hifz al-nasl* consistently reinforces the view that fetal protection is closely connected with the preservation of human existence and the maintenance of lineage. Thus, this principle provides a substantial basis for limiting abortion within Islamic criminal law.

The principle of necessity (*al-darurah*) explains why Islamic criminal law recognizes limited flexibility in abortion regulation under exceptional conditions. Although abortion is generally prohibited because of the protection afforded to human life, Islamic jurisprudence acknowledges that certain circumstances may require different legal consideration when preventing greater harm becomes necessary. This principle is reflected in the legal maxim *al-darurat tubih al-mahzurat* (necessity permits prohibited matters), which allows an otherwise prohibited action to become permissible when it is required to avoid serious harm. In abortion cases, necessity is commonly associated with situations where pregnancy threatens the life or health of the pregnant woman or creates conditions that produce significant hardship. The application of this principle does not mean that abortion becomes generally permissible, but rather that legal judgment must consider the circumstances, consequences, and degree of harm involved. Islamic jurists have used this concept to evaluate situations in which protecting an existing life may take priority over preserving a developing life. The doctrine of necessity therefore provides an interpretative mechanism that enables Islamic criminal law to address complex situations without abandoning its fundamental commitment to the protection of life. This principle demonstrates that Islamic legal reasoning combines normative prohibition with contextual evaluation, allowing legal rulings to respond to exceptional realities while maintaining ethical and legal boundaries.

The diversity of opinions among Sunni schools demonstrates the complexity of Islamic criminal law discussions regarding abortion.²² The Hanafi school generally represents a relatively flexible position by allowing abortion before ensoulment under certain circumstances, although such permission remains subject to moral and legal considerations.²³ The Maliki school adopts a stricter approach by emphasizing that fetal protection begins from conception, resulting in a stronger prohibition against abortion from the earliest stage of pregnancy. Meanwhile, the Shafi'i and Hanbali schools also emphasize the importance of protecting fetal life, although some jurists within these traditions recognize limited exceptions before ensoulment when particular justifications exist. These differences illustrate that Islamic jurisprudence does not contain a single interpretation regarding abortion but includes various approaches developed through different methods of legal reasoning. The variation among jurists is influenced by differing understandings of the beginning of human life, the significance of fetal development, and the application of principles related to necessity and prevention of harm. Despite these differences, the Sunni schools share a common concern regarding the protection of life and the prevention of unjustified termination of pregnancy. Therefore, the diversity of juristic opinions reflects the dynamic character of Islamic criminal law in addressing abortion-related issues.

The application of Islamic legal objectives demonstrates the development of a more contextual approach in interpreting abortion within contemporary Islamic criminal law.²⁴ Rather than relying solely on textual

²² Margaret M Giorgio et al., "Estimating the Incidence of Induced Abortion in Java, Indonesia, 2018," *International Perspectives on Sexual and Reproductive Health* 46 (2020): 211–22, <https://doi.org/10.1363/46e0220>.

²³ Siân M Beynon-Jones, "Untroubling Abortion: A Discourse Analysis of Women's Accounts," *Feminism and Psychology* 27, no. 2 (2017): 225–42, <https://doi.org/10.1177/0959353517696515>.

²⁴ Ann M Moore et al., "Online Abortion Drug Sales in Indonesia: A Quality of Care Assessment," *Studies in Family Planning* 51, no. 4 (2020): 295–308, <https://doi.org/10.1111/sifp.12138>.

prohibition, this approach considers the purposes underlying legal rules,²⁵ including the preservation of life, protection of progeny, prevention of harm, and achievement of public welfare.²⁶ Through this framework, abortion cases are analyzed by examining the circumstances surrounding pregnancy, the potential consequences, and the interests involved.²⁷ This approach enables Islamic legal reasoning to address modern challenges while maintaining consistency with fundamental principles derived from Islamic sources. In situations involving serious medical risks or pregnancies resulting from sexual violence, the assessment of harm and benefit becomes an important element in determining the appropriate legal position. The use of legal objectives allows scholars to evaluate whether a particular situation represents a legitimate exception or remains within the category of prohibited conduct. Consequently, Islamic criminal law demonstrates an ability to respond to changing social conditions through interpretative methods that consider both legal principles and human realities. The incorporation of objective-based reasoning does not eliminate the prohibition of abortion but provides a framework for understanding how exceptional circumstances may influence legal judgments. Thus, the application of Islamic legal objectives contributes to a more comprehensive analysis of abortion by integrating normative principles with contextual considerations.²⁸

The relationship between Islamic legal objectives and Indonesian abortion regulation illustrates the relevance of Islamic criminal law principles in understanding contemporary legal development. The recognition of limited exceptions within Indonesian abortion regulation reflects several considerations that are compatible with Islamic legal reasoning, particularly the prevention of greater harm and the protection of essential human interests. The principles of *hifz al-nafs* and *hifz al-nasl* demonstrate that Islamic law seeks to maintain a balance between protecting human life and preserving future generations. At the same time, the principle of necessity provides a conceptual basis for evaluating situations where strict prohibition may produce greater harm.²⁹ Within the Indonesian context, abortion regulation can therefore be examined as a legal effort to maintain protection of fetal life while responding to exceptional conditions experienced by women. Islamic criminal law does not provide justification for unrestricted abortion but offers analytical principles for understanding why certain circumstances may require different legal treatment.³⁰ This perspective contributes to contemporary legal discussions by demonstrating that religious legal traditions can engage with modern regulatory challenges through structured reasoning. The relevance of Islamic legal principles in abortion regulation lies not only in determining prohibition but also in explaining the conditions under which legal exceptions may be considered legitimate.

3.3. The Dynamics of Legal Protection and Ethical Considerations in Abortion Regulation

The transformation of abortion regulation in Indonesia reflects a significant change in the way legal systems respond to complex conflicts involving pregnancy termination.³¹ The findings demonstrate that abortion is no longer regulated solely through a strict prohibition model but through a structured

²⁵ Rebecca Hodes, "The Culture of Illegal Abortion in South Africa," *Journal of Southern African Studies* 42, no. 1 (2016): 79–93, <https://doi.org/10.1080/03057070.2016.1133086>.

²⁶ Luke Field, "The Abortion Referendum of 2018 and a Timeline of Abortion Politics in Ireland to Date," *Irish Political Studies* 33, no. 4 (2018): 608–28, <https://doi.org/10.1080/07907184.2018.1500461>.

²⁷ Kari White et al., "Experiences Accessing Abortion Care in Alabama among Women Traveling for Services," *Women's Health Issues* 26, no. 3 (2016): 298–304, <https://doi.org/10.1016/j.whi.2016.01.003>.

²⁸ Adji Suwandono and Busyra, "Abortion: Ethical and Legal Perspectives in Indonesia," *Asian Bioethics Review* 17, no. 3 (2025): 535–43, <https://doi.org/10.1007/s41649-024-00322-4>.

²⁹ Ismail Jalili et al., "The Legitimacy of Abortion: A Socio-Legal Analysis of Islamic Jurisprudence and Indonesian Law," *De Jure: Jurnal Hukum Dan Syaria'ah* 16, no. 2 (2024): 382–405, <https://doi.org/10.18860/J-FSH.V16I2.29077>.

³⁰ Monika Sri Yulianti, "New Media and Gender: Representation of Reproductive Justice in Indonesian Websites (Konde.Co and Magdalene.Co)," *Jurnal Komunikasi: Malaysian Journal of Communication* 41, no. 4 (2025): 443–60, <https://doi.org/10.17576/JKMJC-2025-4104-24>.

³¹ Susheela Singh, Akinrinola Bankole, and Jacqueline E Darroch, "The Impact of Contraceptive Use and Abortion on Fertility in Sub-Saharan Africa: Estimates for 2003–2014," *Population and Development Review* 43 (2017): 141–65, <https://doi.org/10.1111/padr.12027>.

framework that combines criminal restrictions with narrowly defined legal exceptions.³² This transformation indicates a change in the orientation of regulation,³³ where legal protection is pursued not only through punishment but also through the recognition of exceptional circumstances requiring different treatment. The reconstruction of abortion provisions under Law Number 1 of 2023 shows that the state continues to maintain the protection of fetal life as a fundamental legal interest while simultaneously acknowledging situations in which continuation of pregnancy may create serious consequences for women. This development illustrates the movement of Indonesian legal policy toward a more balanced approach that considers the relationship between individual conditions and collective legal values. The existence of exceptions related to sexual violence and medical emergencies demonstrates that legal interpretation cannot be separated from social realities and humanitarian considerations. Such a transformation also reflects the broader development of contemporary legal thought, which emphasizes proportionality, fairness, and contextual application of legal norms. Therefore, abortion regulation in Indonesia represents a negotiated legal construction that attempts to reconcile the protection of life, legal certainty, and the responsibility of the state to provide appropriate protection in exceptional situations.

The recognition of specific exceptions within abortion regulation is influenced by several factors that have encouraged the development of a more contextual legal framework.³⁴ The findings reveal that the protection of victims of sexual violence and the management of medical emergencies are central factors shaping the reform of abortion provisions.³⁵ Pregnancy resulting from sexual violence creates a complex condition because the continuation of pregnancy may intensify physical suffering, psychological trauma, and social consequences experienced by victims.³⁶ Therefore, the legal response cannot be limited to criminal punishment against perpetrators but must also consider recovery and protection mechanisms for affected individuals.³⁷ Similarly, medical emergency situations require a regulatory approach that allows healthcare professionals to respond to serious threats to the life or health of pregnant women through legally protected medical decisions.³⁸ These developments demonstrate that abortion regulation is influenced by the need to harmonize criminal policy with healthcare protection and institutional responsibility.³⁹ Within Islamic legal reasoning, similar considerations appear through discussions on necessity,⁴⁰ harm prevention, and the evaluation of circumstances surrounding an action.⁴¹ The existence of different scholarly opinions regarding abortion illustrates that legal interpretation may accommodate exceptional conditions while preserving fundamental commitments toward the protection of life. Accordingly, the emergence of abortion exceptions in Indonesia reflects not a rejection of legal restrictions but an attempt to ensure that legal rules remain responsive to complex human experiences.

³² Catriona Ida Macleod, Siân Beynon-Jones, and Merran Toerien, "Articulating Reproductive Justice Through Reparative Justice: Case Studies of Abortion in Great Britain and South Africa," *Culture, Health and Sexuality* 19, no. 5 (2017): 601–15, <https://doi.org/10.1080/13691058.2016.1257738>.

³³ Elizabeth Chloe Romanis, "Is 'Viability' Viable? Abortion, Conceptual Confusion, and the Law in England and Wales and the United States," *Journal of Law and the Biosciences* 7, no. 1 (2020), <https://doi.org/10.1093/jlb/lcaa059>.

³⁴ Ann M Moore et al., "The Estimated Incidence of Induced Abortion in Ethiopia, 2014: Changes in the Provision of Services Since 2008," *International Perspectives on Sexual and Reproductive Health* 42, no. 3 (2016): 111–20, <https://doi.org/10.1363/42e1816>.

³⁵ Clara Fischer, "Abortion and Reproduction in Ireland: Shame, Nation-Building and the Affective Politics of Place," *Feminist Review* 122, no. 2 (2019): 32–48, <https://doi.org/10.1177/0141778919850003>.

³⁶ Ang Sun and Yaohui Zhao, "Divorce, Abortion, and the Child Sex Ratio: The Impact of Divorce Reform in China," *Journal of Development Economics* 120 (2016): 53–69, <https://doi.org/10.1016/j.jdeveco.2015.11.006>.

³⁷ Amanda Roberti, "'Women Deserve Better': The Use of the Pro-Woman Frame in Anti-Abortion Policies in U.S. States," *Journal of Women, Politics and Policy* 42, no. 3 (2021): 207–24, <https://doi.org/10.1080/1554477X.2021.1925478>.

³⁸ Elizabeth Chloe Romanis and Claire Horn, "Artificial Wombs and the Ectogenesis Conversation: A Misplaced Focus? Technology, Abortion, and Reproductive Freedom," *International Journal of Feminist Approaches to Bioethics* 13, no. 2 (2020): 174–94, <https://doi.org/10.3138/ijfab.13.2.18>.

³⁹ Catriona Ida Macleod, "Expanding Reproductive Justice Through a Supportability Reparative Justice Framework: The Case of Abortion in South Africa," *Culture, Health and Sexuality* 21, no. 1 (2019): 46–62, <https://doi.org/10.1080/13691058.2018.1447687>.

⁴⁰ Marta Bucholc, "Abortion Law and Human Rights in Poland: The Closing of the Jurisprudential Horizon," *Hague Journal on the Rule of Law* 14, no. 1 (2022): 73–99, <https://doi.org/10.1007/s40803-022-00167-9>.

⁴¹ Ushma D Upadhyay et al., "State Abortion Policies and Medicaid Coverage of Abortion Are Associated with Pregnancy Outcomes Among Individuals Seeking Abortion Recruited Using Google Ads: A National Cohort Study," *Social Science and Medicine* 274 (2021), <https://doi.org/10.1016/j.socscimed.2021.113747>.

The implications of abortion regulation reform can be observed in the changing relationship between legal prohibition, healthcare practice,⁴² and protection of individuals in vulnerable situations. The findings indicate that the current regulatory model produces a limited protection framework in which abortion remains generally prohibited but may be permitted when specific legal and medical requirements are satisfied.⁴³ This arrangement creates consequences for various actors involved in abortion governance. Women experiencing exceptional circumstances obtain recognition that their conditions require legal consideration beyond ordinary criminal regulation.⁴⁴ Healthcare providers receive greater certainty because the law establishes procedures, qualifications,⁴⁵ and institutional requirements for lawful medical intervention. At the same time, law enforcement institutions are required to interpret abortion provisions carefully by distinguishing unlawful conduct from legally justified procedures. From a broader perspective, this transformation demonstrates that legal protection cannot be achieved only through criminal sanctions but also through mechanisms that prevent harm and ensure responsible decision-making. The regulation also reflects an ongoing dialogue between different normative values, including the protection of potential life, respect for human dignity,⁴⁶ and the obligation to provide appropriate healthcare.⁴⁷ In Islamic criminal law discourse,⁴⁸ this balance can be understood through the relationship between protecting life and considering unavoidable circumstances that may justify exceptions.⁴⁹ Thus, the reform of abortion regulation illustrates how legal systems attempt to manage competing interests through procedures, limitations,⁵⁰ and accountability rather than through absolute approaches alone.

Compared with previous studies,⁵¹ this research contributes a more integrated analysis of abortion regulation by examining the interaction between statutory reform,⁵² religious legal reasoning,⁵³ and broader protection principles.⁵⁴ Previous studies have generally approached abortion through separate perspectives, with legal research often emphasizing criminal liability and the protection of fetal life, while Islamic legal studies primarily focus on juristic debates concerning permissibility,⁵⁵ stages of pregnancy, and exceptional circumstances.⁵⁶ Other studies have examined abortion from the perspective of healthcare access and the protection of women facing reproductive challenges.⁵⁷ Although these

⁴² Sydney Calkin, "Towards a Political Geography of Abortion," *Political Geography* 69 (2019): 22–29, <https://doi.org/10.1016/j.polgeo.2018.11.006>.

⁴³ Katharine Footman et al., "Medical Abortion Provision by Pharmacies and Drug Sellers in Low- and Middle-Income Countries: A Systematic Review," *Studies in Family Planning* 49, no. 1 (2018): 57–70, <https://doi.org/10.1111/sifp.12049>.

⁴⁴ Cordelia Freeman, "The Crime of Choice: Abortion Border Crossings from Chile to Peru," *Gender, Place and Culture* 24, no. 6 (2017): 851–68, <https://doi.org/10.1080/0966369X.2017.1339020>.

⁴⁵ Yotam Ophir et al., "Weaponizing Reproductive Rights: A Mixed-Method Analysis of White Nationalists' Discussion of Abortions Online," *Information Communication and Society* 26, no. 11 (2023): 2186–2211, <https://doi.org/10.1080/1369118X.2022.2077654>.

⁴⁶ Judy Margo et al., "Women's Pathways to Abortion Care in South Carolina: A Qualitative Study of Obstacles and Supports," *Perspectives on Sexual and Reproductive Health* 48, no. 4 (2016): 199–207, <https://doi.org/10.1363/psrh.12006>.

⁴⁷ Danny Osborne et al., "Abortion Attitudes: An Overview of Demographic and Ideological Differences," *Political Psychology* 43, no. S1 (2022): 29–76, <https://doi.org/10.1111/pops.12803>.

⁴⁸ Agnès Guillaume and Clémentine Rossier, "Abortion Around the World: An Overview of Legislation, Measures, Trends, and Consequences," *Population* 73, no. 2 (2018): 225–322, <https://doi.org/10.3917/popu.1802.0225>.

⁴⁹ Laura Lindberg and Rachel H Scott, "Effect of ACASI on Reporting of Abortion and Other Pregnancy Outcomes in the US National Survey of Family Growth," *Studies in Family Planning* 49, no. 3 (2018): 259–78, <https://doi.org/10.1111/sifp.12068>.

⁵⁰ Kate Cockrill and Antonia Biggs, "Can Stories Reduce Abortion Stigma? Findings from a Longitudinal Cohort Study," *Culture, Health and Sexuality* 20, no. 3 (2018): 335–50, <https://doi.org/10.1080/13691058.2017.1346202>.

⁵¹ Elise Andaya and Joanna Mishtal, "The Erosion of Rights to Abortion Care in the United States: A Call for a Renewed Anthropological Engagement with the Politics of Abortion," *Medical Anthropology Quarterly* 31, no. 1 (2017): 40–59, <https://doi.org/10.1111/maq.12298>.

⁵² Katherine I Tierney, "Abortion Underreporting in Add Health: Findings and Implications," *Population Research and Policy Review* 38, no. 3 (2019): 417–28, <https://doi.org/10.1007/s11113-019-09511-8>.

⁵³ Barbara Sutton, "Intergenerational Encounters in the Struggle for Abortion Rights in Argentina," *Women's Studies International Forum* 82 (2020), <https://doi.org/10.1016/j.wsif.2020.102392>.

⁵⁴ Lesley Hoggart, "Internalised Abortion Stigma: Young Women's Strategies of Resistance and Rejection," *Feminism and Psychology* 27, no. 2 (2017): 186–202, <https://doi.org/10.1177/0959353517698997>.

⁵⁵ Sarah C M Roberts et al., "Utah's 72-Hour Waiting Period for Abortion: Experiences Among a Clinic-Based Sample of Women," *Perspectives on Sexual and Reproductive Health* 48, no. 4 (2016): 179–87, <https://doi.org/10.1363/48e8216>.

⁵⁶ Perry Hendricks, "Even If the Fetus Is Not a Person, Abortion Is Immoral: The Impairment Argument," *Bioethics* 33, no. 2 (2019): 245–53, <https://doi.org/10.1111/bioe.12533>.

⁵⁷ Ernestina Coast and Susan F Murray, "These Things Are Dangerous: Understanding Induced Abortion Trajectories in Urban Zambia," *Social Science and Medicine* 153 (2016): 201–9, <https://doi.org/10.1016/j.socscimed.2016.02.025>.

approaches provide valuable contributions,⁵⁸ they often analyze abortion within limited conceptual boundaries.⁵⁹ This research expands previous discussions by demonstrating that abortion regulation in Indonesia is constructed through the interaction of multiple normative considerations rather than through a single legal foundation.⁶⁰ The findings show that legal reform requires attention to statutory development, ethical reasoning, social conditions, and institutional implementation. Furthermore, the study highlights that Islamic legal perspectives contain internal mechanisms of interpretation that allow engagement with contemporary legal challenges while maintaining core principles concerning the protection of life.⁶¹ By connecting these dimensions,⁶² this research provides a broader explanation of how Indonesia develops legal responses to sensitive issues involving morality, health, and individual protection within a plural legal environment.

This research recommends the development of a more balanced and contextual framework for abortion regulation in Indonesia by strengthening legal certainty while maintaining sensitivity toward complex social and medical realities. The findings indicate that future regulatory improvements should focus on harmonizing criminal provisions with health regulations and ensuring that implementation mechanisms operate consistently among relevant institutions. Clear procedural guidelines are necessary to assist healthcare professionals,⁶³ law enforcement authorities,⁶⁴ and communities in understanding the boundaries between prohibited acts and legally recognized exceptions.⁶⁵ Furthermore, this research recommends that policymakers continue to consider religious legal reasoning, including principles developed within Islamic criminal law, as a complementary perspective in evaluating contemporary abortion regulation without limiting legal interpretation to a single normative approach.⁶⁶ The complexity of abortion cases requires an analytical framework that considers legal responsibility, medical circumstances, social consequences, and the protection of individuals affected by exceptional conditions. Future studies should also examine the practical implementation of abortion regulations through empirical approaches involving healthcare institutions, legal practitioners, and affected communities to evaluate the effectiveness of existing provisions. Such investigations are important for identifying regulatory weaknesses and improving institutional responses. Through these efforts, abortion regulation can develop into a legal framework that not only maintains restrictions but also provides appropriate protection, procedural fairness, and accountability. Therefore, this research recommends continuous evaluation of abortion governance to ensure that legal reform remains responsive to evolving social realities while preserving fundamental legal and ethical values.

⁵⁸ Batool Zaidi and S Philip Morgan, "In the Pursuit of Sons: Additional Births or Sex-Selective Abortion in Pakistan?," *Population and Development Review* 42, no. 4 (2016): 693–710, <https://doi.org/10.1111/padr.12002>.

⁵⁹ Elyse Ona Singer, "Realizing Abortion Rights at the Margins of Legality in Mexico," *Medical Anthropology: Cross Cultural Studies in Health and Illness* 38, no. 2 (2019): 167–81, <https://doi.org/10.1080/01459740.2018.1474213>.

⁶⁰ Guillaume and Rossier, "Abortion Around the World: An Overview of Legislation, Measures, Trends, and Consequences."

⁶¹ Jessica N Sanders et al., "The Longest Wait: Examining the Impact of Utah's 72-Hour Waiting Period for Abortion," *Women's Health Issues* 26, no. 5 (2016): 483–87, <https://doi.org/10.1016/j.whi.2016.06.004>.

⁶² Louise Anne Keogh et al., "Conscientious Objection to Abortion, the Law, and Its Implementation in Victoria, Australia: Perspectives of Abortion Service Providers," *BMC Medical Ethics* 20, no. 1 (2019), <https://doi.org/10.1186/s12910-019-0346-1>.

⁶³ Amanda Gelman et al., "Abortion Stigma Among Low-Income Women Obtaining Abortions in Western Pennsylvania: A Qualitative Assessment," *Perspectives on Sexual and Reproductive Health* 49, no. 1 (2017): 29–36, <https://doi.org/10.1363/psrh.12014>.

⁶⁴ Laura Lindberg et al., "Abortion Reporting in the United States: An Assessment of Three National Fertility Surveys," *Demography* 57, no. 3 (2020): 899–925, <https://doi.org/10.1007/s13524-020-00886-4>.

⁶⁵ Caitlin Gerds et al., "Side Effects, Physical Health Consequences, and Mortality Associated with Abortion and Birth after an Unwanted Pregnancy," *Women's Health Issues* 26, no. 1 (2016): 55–59, <https://doi.org/10.1016/j.whi.2015.10.001>.

⁶⁶ Johan A Elkink et al., "The Death of Conservative Ireland? The 2018 Abortion Referendum," *Electoral Studies* 65 (2020), <https://doi.org/10.1016/j.electstud.2020.102142>.

4. Conclusion

This study concludes that abortion regulation in Indonesia reflects a complex legal framework that seeks to reconcile criminal law objectives, Islamic legal principles, and human rights considerations. Law Number 1 of 2023 concerning the Indonesian Criminal Code continues to classify abortion as a criminal offence while recognizing limited exceptions based on medical emergencies and pregnancies resulting from sexual violence under specific legal requirements. These exceptions demonstrate that Indonesian criminal law has shifted from an exclusively punitive orientation toward a more balanced approach that accommodates public health concerns, humanitarian considerations, and legal certainty. From the perspective of *maqasid al-shari'ah*, the regulation is closely associated with the principles of protecting life (*hifz al-nafs*) and protecting progeny (*hifz al-nasl*), both of which require proportional legal reasoning when addressing exceptional circumstances. The analysis further indicates that the legitimacy of abortion regulation depends not only on statutory compliance but also on its consistency with ethical values, constitutional guarantees, and internationally recognized human rights principles. Consequently, abortion law should be interpreted through an integrated legal framework that balances the protection of unborn life, the rights and dignity of women, and the responsibility of the state to provide clear, fair, and effective legal protection. These findings answer the research questions by demonstrating that Indonesian abortion regulation represents a dynamic interaction between criminal justice, Islamic legal reasoning, and contemporary human rights standards.

This study contributes conceptually, methodologically, and theoretically to contemporary legal scholarship on abortion regulation. Conceptually, it demonstrates that abortion cannot be understood solely as a matter of criminal prohibition but should be analyzed through the interaction of legal norms, religious values, and human rights principles. Methodologically, the integration of normative juridical research with statutory, conceptual, and *maqasid al-shari'ah* approaches provides a comprehensive analytical framework that can be applied to other legal issues involving the relationship between national legislation and Islamic law. Theoretically, the findings reinforce the continuing relevance of the objectives of Islamic law in evaluating modern criminal legislation while illustrating the importance of harmonizing domestic legal policies with constitutional values and international human rights standards. Although the study provides a systematic interpretation of Indonesian abortion law, it is limited to normative legal materials and doctrinal analysis without empirical evidence concerning legal implementation or institutional practice. Future research should therefore incorporate empirical methods involving judges, prosecutors, healthcare professionals, religious scholars, and women affected by abortion regulation to evaluate how legal norms are implemented in practice and to develop more responsive and evidence-based legal policies that strengthen justice, legal certainty, and the protection of fundamental rights in Indonesia.

Declarations

Author Contribution Statement

Dinda Ayu Arini Chaniago contributed to conceptualization, methodology, investigation, data curation, formal analysis, writing the original draft, and visualization. Noor Azizah contributed to supervision, validation, writing—review and editing, project administration, and final approval of the manuscript. All authors have read and agreed to the published version of the manuscript.

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The data that support the findings of this study are available from the corresponding author upon reasonable request. No publicly archived datasets were used or generated during the current research.

Declaration of Interests Statement

The authors declare that they have no known competing financial interests or personal relationships that could have influenced the work reported in this paper.

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References

- Altshuler, Anna L., Alison Ojanen-Goldsmith, Paul D. Blumenthal, and Lori R. Freedman. "Going through It Together: Being Accompanied by Loved Ones during Birth and Abortion." *Social Science & Medicine* 284 (2021). <https://doi.org/10.1016/j.socscimed.2021.114234>.
- Andaya, Elise, and Joanna Mishtal. "The Erosion of Rights to Abortion Care in the United States: A Call for a Renewed Anthropological Engagement with the Politics of Abortion." *Medical Anthropology Quarterly* 31, no. 1 (2017): 40–59. <https://doi.org/10.1111/maq.12298>.
- Anisa, B. M., H. Christian, H. A. Asari, H. Hardi, H. R. Putri, I. Darmawan, M. Billy, et al. "Knowledge, Attitude, and Practice Toward Risks of Abortion Among Women in Ciracas District, Jakarta, in 2016." *Advanced Science Letters* 23, no. 7 (2017): 6752–6754. <https://doi.org/10.1166/asl.2017.9388>.
- Badri, Masood, Mugheer Alkhaili, Hamad Aldhaheeri, Guang Yang, Muna Albahar, Saad Yaaqeib, Asma Alrashdi, and Alanood Alsawai. "Starting Over After Divorce: A Psychosocial Analysis of Emotional Distress, Social Disconnection, and Mental Well-Being Among Women in Abu Dhabi." *Psychiatry International* 6, no. 2 (June 6, 2025): 69. <https://doi.org/10.3390/psychiatryint6020069>.
- Beynon-Jones, Siân M. "Untroubling Abortion: A Discourse Analysis of Women's Accounts." *Feminism & Psychology* 27, no. 2 (2017): 225–242. <https://doi.org/10.1177/0959353517696515>.
- Bucholc, Marta. "Abortion Law and Human Rights in Poland: The Closing of the Jurisprudential Horizon." *Hague Journal on the Rule of Law* 14, no. 1 (2022): 73–99. <https://doi.org/10.1007/s40803-022-00167-9>.
- Calkin, Sydney. "Towards a Political Geography of Abortion." *Political Geography* 69 (2019): 22–29. <https://doi.org/10.1016/j.polgeo.2018.11.006>.
- Charlton, Brittany M., Bethany G. Everett, Alexis Light, Rachel K. Jones, Elizabeth Janiak, Audrey J. Gaskins, Jorge E. Chavarro, Heidi Moseson, Vishnudas Sarda, and S. Bryn Austin. "Sexual Orientation Differences in Pregnancy and Abortion Across the Lifecourse." *Women's Health Issues* 30, no. 2 (2020): 65–72. <https://doi.org/10.1016/j.whi.2019.10.007>.
- Coast, Ernestina, and Susan F. Murray. "'These Things Are Dangerous': Understanding Induced Abortion Trajectories in Urban Zambia." *Social Science & Medicine* 153 (2016): 201–209. <https://doi.org/10.1016/j.socscimed.2016.02.025>.
- Cockrill, Kate, and Antonia Biggs. "Can Stories Reduce Abortion Stigma? Findings from a Longitudinal Cohort Study." *Culture, Health & Sexuality* 20, no. 3 (2018): 335–350. <https://doi.org/10.1080/13691058.2017.1346202>.
- Daby, Mariela, and Mason W. Moseley. "Feminist Mobilization and the Abortion Debate in Latin America: Lessons from Argentina." *Politics & Gender* 18, no. 2 (2022): 359–393. <https://doi.org/10.1017/S1743923X20000197>.
- Eklund, Lisa, and Navtej Purewal. "The Bio-Politics of Population Control and Sex-Selective Abortion in China and India." *Feminism & Psychology* 27, no. 1 (2017): 34–55. <https://doi.org/10.1177/0959353516682262>.

- Elkink, Johan A., David M. Farrell, Sofie Marien, Theresa Reidy, and Jane Suiter. "The Death of Conservative Ireland? The 2018 Abortion Referendum." *Electoral Studies* 65 (2020). <https://doi.org/10.1016/j.electstud.2020.102142>.
- Field, Luke. "The Abortion Referendum of 2018 and a Timeline of Abortion Politics in Ireland to Date." *Irish Political Studies* 33, no. 4 (2018): 608–628. <https://doi.org/10.1080/07907184.2018.1500461>.
- Fink, Lauren R., Kaitlyn K. Stanhope, Roger W. Rochat, and Oscar A. Bernal. "'The Fetus Is My Patient, Too': Attitudes Toward Abortion and Referral Among Physician Conscientious Objectors in Bogotá, Colombia." *International Perspectives on Sexual and Reproductive Health* 42, no. 2 (2016): 71–80. <https://doi.org/10.1363/42e1016>.
- Fischer, Clara. "Abortion and Reproduction in Ireland: Shame, Nation-Building, and the Affective Politics of Place." *Feminist Review* 122, no. 2 (2019): 32–48. <https://doi.org/10.1177/0141778919850003>.
- Footman, Katharine, Katherine Keenan, Kate Reiss, Barbara Reichwein, Pritha Biswas, and Kathryn Church. "Medical Abortion Provision by Pharmacies and Drug Sellers in Low- and Middle-Income Countries: A Systematic Review." *Studies in Family Planning* 49, no. 1 (2018): 57–70. <https://doi.org/10.1111/sifp.12049>.
- Freeman, Cordelia. "The Crime of Choice: Abortion Border Crossings from Chile to Peru." *Gender, Place & Culture* 24, no. 6 (2017): 851–868. <https://doi.org/10.1080/0966369X.2017.1339020>.
- Freeman, Emily, and Ernestina Coast. "Conscientious Objection to Abortion: Zambian Healthcare Practitioners' Beliefs and Practices." *Social Science & Medicine* 221 (2019): 106–114. <https://doi.org/10.1016/j.socscimed.2018.12.018>.
- Gelman, Amanda, Elian A. Rosenfeld, Cara Nikolajski, Lori R. Freedman, Julia R. Steinberg, and Sonya Borrero. "Abortion Stigma Among Low-Income Women Obtaining Abortions in Western Pennsylvania: A Qualitative Assessment." *Perspectives on Sexual and Reproductive Health* 49, no. 1 (2017): 29–36. <https://doi.org/10.1363/psrh.12014>.
- Gerdts, Caitlin, Loren Dobkin, Diana Greene Foster, and Eleanor Bimla Schwarz. "Side Effects, Physical Health Consequences, and Mortality Associated with Abortion and Birth After an Unwanted Pregnancy." *Women's Health Issues* 26, no. 1 (2016): 55–59. <https://doi.org/10.1016/j.whi.2015.10.001>.
- Giorgio, Margaret M., Budi Utomo, Nugroho Soeharno, Riznawaty Imma Aryanty, Besral, Melissa Stillman, Jesse Philbin, Susheela Singh, and Gilda Sedgh. "Estimating the Incidence of Induced Abortion in Java, Indonesia, 2018." *International Perspectives on Sexual and Reproductive Health* 46 (2020): 211–222. <https://doi.org/10.1363/46e0220>.
- Guillaume, Agnès, and Clémentine Rossier. "Abortion Around the World: An Overview of Legislation, Measures, Trends, and Consequences." *Population* 73, no. 2 (2018): 225–322. <https://doi.org/10.3917/popu.1802.0225>.
- Hendricks, Perry. "Even If the Fetus Is Not a Person, Abortion Is Immoral: The Impairment Argument." *Bioethics* 33, no. 2 (2019): 245–253. <https://doi.org/10.1111/bioe.12533>.
- Hodes, Rebecca. "The Culture of Illegal Abortion in South Africa." *Journal of Southern African Studies* 42, no. 1 (2016): 79–93. <https://doi.org/10.1080/03057070.2016.1133086>.
- Hoggart, Lesley. "Internalised Abortion Stigma: Young Women's Strategies of Resistance and Rejection." *Feminism & Psychology* 27, no. 2 (2017): 186–202. <https://doi.org/10.1177/0959353517698997>.
- Holman, Mirya, Erica Podrazik, and Heather Silber Mohamed. "Choosing Choice: How Gender and Religiosity Shape Abortion Attitudes Among Latinos." *Journal of Race, Ethnicity and Politics* 5, no. 2 (2020): 384–411. <https://doi.org/10.1017/rep.2019.51>.
- Jalili, Ismail, Helmi Syaifuddin, Fadillah Ulfa, Wery Gusmansyah, and Muntaha Artalim Zaim. "The Legitimacy of Abortion: A Socio-Legal Analysis of Islamic Jurisprudence and Indonesian Law." *De Jure: Jurnal Hukum dan Syariah* 16, no. 2 (2024): 382–405. <https://doi.org/10.18860/J-FSH.V16I2.29077>.
- Keogh, Louise Anne, Lynn Gillam, Marie Bismark, Kathleen McNamee, Amy Webster, Christine Bayly, and Danielle Newton. "Conscientious Objection to Abortion, the Law, and Its Implementation in Victoria,

- Australia: Perspectives of Abortion Service Providers." *BMC Medical Ethics* 20, no. 1 (2019). <https://doi.org/10.1186/s12910-019-0346-1>.
- Koralewska, Inga, and Katarzyna Zielińska. "Defending the Unborn,' 'Protecting Women,' and 'Preserving Culture and Nation': Anti-Abortion Discourse in the Polish Right-Wing Press." *Culture, Health & Sexuality* 24, no. 5 (May 2, 2022): 673–687. <https://doi.org/10.1080/13691058.2021.1878559>.
- Lindberg, Laura, Kathryn Kost, Isaac Maddow-Zimet, Sheila Desai, and Mia Zolna. "Abortion Reporting in the United States: An Assessment of Three National Fertility Surveys." *Demography* 57, no. 3 (2020): 899–925. <https://doi.org/10.1007/s13524-020-00886-4>.
- Lindberg, Laura, and Rachel H. Scott. "Effect of ACASI on Reporting of Abortion and Other Pregnancy Outcomes in the US National Survey of Family Growth." *Studies in Family Planning* 49, no. 3 (2018): 259–278. <https://doi.org/10.1111/sifp.12068>.
- Macleod, Catriona Ida. "Expanding Reproductive Justice Through a Supportability Reparative Justice Framework: The Case of Abortion in South Africa." *Culture, Health & Sexuality* 21, no. 1 (2019): 46–62. <https://doi.org/10.1080/13691058.2018.1447687>.
- Macleod, Catriona Ida, Siân Beynon-Jones, and Merran Toerien. "Articulating Reproductive Justice Through Reparative Justice: Case Studies of Abortion in Great Britain and South Africa." *Culture, Health & Sexuality* 19, no. 5 (2017): 601–615. <https://doi.org/10.1080/13691058.2016.1257738>.
- Margo, Judy, Lois McCloskey, Gouri Gupte, Melanie Zurek, Seema Bhakta, and Emily Feinberg. "Women's Pathways to Abortion Care in South Carolina: A Qualitative Study of Obstacles and Supports." *Perspectives on Sexual and Reproductive Health* 48, no. 4 (2016): 199–207. <https://doi.org/10.1363/psrh.12006>.
- Masri, Dedi, and Randy Putra Alamsyah. "Force Majeure in Abortion: A Review of Ulama Fatwas and Indonesian Health Law." *Malaysian Journal of Syariah and Law* 14, no. 1 (2026): 61–76. <https://doi.org/10.33102/mjssl.vol14no1.1179>.
- McLean, Emily, Dawit Nima Desalegn, Astrid Blystad, and Ingrid Miljeteig. "When the Law Makes Doors Slightly Open: Ethical Dilemmas Among Abortion Service Providers in Addis Ababa, Ethiopia." *BMC Medical Ethics* 20, no. 1 (2019): 60. <https://doi.org/10.1186/s12910-019-0396-4>.
- Moore, Ann M., Yirgu Gebrehiwot, Tamara Feters, Yohannes Dibaba Wado, Akinrinola Bankole, Susheela Singh, Hailemichael Gebreselassie, and Yonas Getachew. "The Estimated Incidence of Induced Abortion in Ethiopia, 2014: Changes in the Provision of Services Since 2008." *International Perspectives on Sexual and Reproductive Health* 42, no. 3 (2016): 111–120. <https://doi.org/10.1363/42e1816>.
- Moore, Ann M., Jesse Philbin, Iwan Ariawan, Meiwita Budiharsana, Rachel Murro, Riznawaty Imma Aryanty, and Akinrinola Bankole. "Online Abortion Drug Sales in Indonesia: A Quality of Care Assessment." *Studies in Family Planning* 51, no. 4 (2020): 295–308. <https://doi.org/10.1111/sifp.12138>.
- Ophir, Yotam, Meredith L. Pruden, Dror Walter, Ayse D. Lokmanoglu, Catherine Tebaldi, and Rui Wang. "Weaponizing Reproductive Rights: A Mixed-Method Analysis of White Nationalists' Discussion of Abortions Online." *Information, Communication & Society* 26, no. 11 (2023): 2186–2211. <https://doi.org/10.1080/1369118X.2022.2077654>.
- Osborne, Danny, Yanshu Huang, Nickola C. Overall, Robbie M. Sutton, Aino Petterson, Karen M. Douglas, Paul G. Davies, and Chris G. Sibley. "Abortion Attitudes: An Overview of Demographic and Ideological Differences." *Political Psychology* 43, no. S1 (2022): 29–76. <https://doi.org/10.1111/pops.12803>.
- Reingold, Beth, Rebecca J. Kreitzer, Tracy Osborn, and Michele L. Swers. "Anti-Abortion Policymaking and Women's Representation." *Political Research Quarterly* 74, no. 2 (2021): 403–420. <https://doi.org/10.1177/1065912920903381>.
- Roberti, Amanda. "Women Deserve Better': The Use of the Pro-Woman Frame in Anti-Abortion Policies in U.S. States." *Journal of Women, Politics & Policy* 42, no. 3 (2021): 207–224. <https://doi.org/10.1080/1554477X.2021.1925478>.

- Roberts, Sarah C. M., David K. Turok, Elise Belusa, Sarah Combellick, and Ushma D. Upadhyay. "Utah's 72-Hour Waiting Period for Abortion: Experiences Among a Clinic-Based Sample of Women." *Perspectives on Sexual and Reproductive Health* 48, no. 4 (2016): 179–187. <https://doi.org/10.1363/48e8216>.
- Romanis, Elizabeth Chloe. "Is 'Viability' Viable? Abortion, Conceptual Confusion, and the Law in England and Wales and the United States." *Journal of Law and the Biosciences* 7, no. 1 (2020). <https://doi.org/10.1093/jlb/lisaa059>.
- Romanis, Elizabeth Chloe, and Claire Horn. "Artificial Wombs and the Ectogenesis Conversation: A Misplaced Focus? Technology, Abortion, and Reproductive Freedom." *International Journal of Feminist Approaches to Bioethics* 13, no. 2 (2020): 174–194. <https://doi.org/10.3138/ijfab.13.2.18>.
- Sanders, Jessica N., Hilary Conway, Janet Jacobson, Leah Torres, and David K. Turok. "The Longest Wait: Examining the Impact of Utah's 72-Hour Waiting Period for Abortion." *Women's Health Issues* 26, no. 5 (2016): 483–487. <https://doi.org/10.1016/j.whi.2016.06.004>.
- Side, Katherine. "Abortion Im/Mobility: Spatial Consequences in the Republic of Ireland." *Feminist Review* 124, no. 1 (2020): 15–31. <https://doi.org/10.1177/0141778919894891>.
- Singer, Elyse Ona. "Realizing Abortion Rights at the Margins of Legality in Mexico." *Medical Anthropology* 38, no. 2 (2019): 167–181. <https://doi.org/10.1080/01459740.2018.1474213>.
- Singh, Susheela, Akinrinola Bankole, and Jacqueline E. Darroch. "The Impact of Contraceptive Use and Abortion on Fertility in Sub-Saharan Africa: Estimates for 2003–2014." *Population and Development Review* 43 (2017): 141–165. <https://doi.org/10.1111/padr.12027>.
- Singh, Susheela, Altaf Hossain, Isaac Maddow-Zimet, Michael Vlassoff, Hadayeat Ullah Bhuiyan, and Meghan Ingerick. "The Incidence of Menstrual Regulation Procedures and Abortion in Bangladesh, 2014." *International Perspectives on Sexual and Reproductive Health* 43, no. 1 (2017): 1–11. <https://doi.org/10.1363/43e2417>.
- Sun, Ang, and Yaohui Zhao. "Divorce, Abortion, and the Child Sex Ratio: The Impact of Divorce Reform in China." *Journal of Development Economics* 120 (2016): 53–69. <https://doi.org/10.1016/j.jdeveco.2015.11.006>.
- Sutton, Barbara. "Intergenerational Encounters in the Struggle for Abortion Rights in Argentina." *Women's Studies International Forum* 82 (2020). <https://doi.org/10.1016/j.wsif.2020.102392>.
- Suwandono, Adji, and Busyra. "Abortion: Ethical and Legal Perspectives in Indonesia." *Asian Bioethics Review* 17, no. 3 (2025): 535–543. <https://doi.org/10.1007/s41649-024-00322-4>.
- Szelewa, Dorota. "Killing 'Unborn Children'? The Catholic Church and Abortion Law in Poland Since 1989." *Social & Legal Studies* 25, no. 6 (2016): 741–764. <https://doi.org/10.1177/0964663916668247>.
- Tierney, Katherine I. "Abortion Underreporting in Add Health: Findings and Implications." *Population Research and Policy Review* 38, no. 3 (2019): 417–428. <https://doi.org/10.1007/s11113-019-09511-8>.
- Triandani, Salsabila, Windiahsari Windiahsari, Ali Masyhar, Aprila Niravita, and Rizqan Naelufar. "Abortion Laws in Indonesia and Islam: A Clash of Morality, Religion, and Rights." *Contemporary Issues on Interfaith Law and Society* 3, no. 2 (2024): 283–308. <https://doi.org/10.15294/ciils.v3i2.31407>.
- Triantono, Ani Purwanti, Nur Rochaeti, and Aga Natalis. "When the Law Fails the Victim: Deconstructing the Criminalization of Abortion for Rape Survivors in Indonesia." *International Journal for the Semiotics of Law* 38, no. 7 (2025): 2445–2469. <https://doi.org/10.1007/s11196-025-10279-8>.
- Upadhyay, Ushma D., Ashley A. McCook, Ariana H. Bennett, Alice F. Cartwright, and Sarah C. M. Roberts. "State Abortion Policies and Medicaid Coverage of Abortion Are Associated with Pregnancy Outcomes Among Individuals Seeking Abortion Recruited Using Google Ads: A National Cohort Study." *Social Science & Medicine* 274 (2021). <https://doi.org/10.1016/j.socscimed.2021.113747>.
- White, Kari, Victoria deMartelly, Daniel Grossman, and Janet M. Turan. "Experiences Accessing Abortion Care in Alabama Among Women Traveling for Services." *Women's Health Issues* 26, no. 3 (2016): 298–304. <https://doi.org/10.1016/j.whi.2016.01.003>.

- Wiryani, Fifik, Widjanarko Andang, and M. Nasser. "Abortion Legalization and the Child in the Womb's Right to Life: A Study from Indonesia." *International Journal of Criminology and Sociology* 9 (2020): 1837–1843. <https://doi.org/10.6000/1929-4409.2020.09.210>.
- Woodruff, Katie. "Coverage of Abortion in Select U.S. Newspapers." *Women's Health Issues* 29, no. 1 (2019): 80–86. <https://doi.org/10.1016/j.whi.2018.08.008>.
- Yuliarti, Monika Sri. "New Media and Gender: Representation of Reproductive Justice in Indonesian Websites (Konde.Co and Magdalene.Co)." *Jurnal Komunikasi: Malaysian Journal of Communication* 41, no. 4 (2025): 443–460. <https://doi.org/10.17576/JKMJC-2025-4104-24>.
- Zaidi, Batool, and S. Philip Morgan. "In the Pursuit of Sons: Additional Births or Sex-Selective Abortion in Pakistan?" *Population and Development Review* 42, no. 4 (2016): 693–710. <https://doi.org/10.1111/padr.12002>