

ABSTRAK

Pada dasarnya anak merupakan anugerah dari Allah S.W.T dan sudah merupakan kewajiban orang tua guna menjaga, mendidik, merawat, membesarkan serta memberikan kasih sayang kepada anak. Namun pada kenyataannya sekarang ini banyak pasangan yang bahkan membunuh darah dagingnya sendiri bahkan sebelum janin tersebut lahir didunia dengan melakukan tindakan aborsi. Pengertian dan ketentuan terkait tindakan aborsi dimuat didalam Undang-Undang No.35 Tahun 2014 tentang Perlindungan Anak, terkandung aturan-aturan terkait perlindungan anak dan tindakan yang memperbolehkan melakukan aborsi. Penerapan peraturan perundang -undangan ini dapat mempengaruhi kehidupan anak terutama dapat menjadi pencegah terjadinya tindakan aborsi yang illegal, meskipun pada penerapannya masih menemui kendala.

Penelitian ini menggunakan metode pendekatan yuridis normatif, dengan sumber datanya berasal dari data primer dan tinjauan kasus, analisa data yang digunakan adalah deskriptif kualitatif.

Berdasarkan tinjauan yuridis ternyata masih ada kasus yang telah dilakukan menyimpang, maka diterapkan ketentuan hukum yang dimaksud sesuai dengan amanat pasal 45A dan pasal 77A Undang-Undang No.35 Tahun 2015 tentang Perlindungan Anak. Pelanggaran hukum yang dilakukan dalam kasus perkara No.152/Pid.Sus/2015/PN.Smg diproses dan diadili di Pengadilan Negeri Semarang. Kendala yang dihadapi dalam penerapan Undang-Undang yaitu kesadaran masyarakat sendiri akan tanggung jawab sebagai calon orang tua mengambil jalan pintas melakukan aborsi sehingga melanggar hukum, solusinya adalah mengupayakan peningkatan sosialisasi hukum kaitannya dengan aborsi, agar masyarakat sadar akan bahaya melakukan aborsi yang bisa berakibat fatal meninggal dunia tidak hanya calon bayi juga bisa merenggut nyawa ibunya.

Kata Kunci : Aborsi, Anak, Tinjauan Yuridis, Tindak Pidana.

ABSTRACTION

In essentially the child is the grace of Allah has been an obligation of the parents to maintain , educate , care for , raise and give love saying to children . But in fact, now many couples are even membunuh blood flesh itself even before the fetus that is born in the world by performing an abortion . Understanding and provisions related to the actions of abortion contained in Act 35 Year 201 4 on the protection of children which contained the rules of the rules related to the protection of children and cases - cases that allow the action of abortion . Application of laws and regulations This can affect the lives of children especially can be a deterrent occurrence of acts of abortion were illegal, although the application is still encountered obstacles .

The research is aimed to review the rules of Law 35 of 2015 as the provisions of the laws that apply , knowing the obstacles that faced the penranan law regulations are and seek solutions most relevant related problems were encountered in the application of the rule law invites the research is using the method of approach of juridical normative , with the source of the data derived from primary data and review the case , analisis data which used is descriptive qualitative .

The results of the research are based on the Case Review that has been carried out, the application of the legal provisions in question is in accordance with the mandate of Article 45 A and Article 77A and Law No. 35 of 2015 concerning Child Protection. The constraints are met based on review of cases that have been done is not known where the father biological of jain who has been aborted , a solution that can be done is to enter the father biological fetus are added to the DPO. Constraints principal who encountered in the implementation of the Act within the community is a constraint externally of regulations such as constraints mainly are conscious society itself will bear responsibilities as a candidate for the elderly , the solution that is most relevant is seeking an increase in the awareness of society by way of doing outreach to the community related sex education and counseling rule of law so that the public is more aware of 'll rule of law .

Key Words : Overview of Juridical , Abortion , Obstacles , Solutions .