

ABORTION LAW AND
ITS REFORM IN MALAYSIA

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A B S T R A C T

Abortion is a topic that involves legal, medical, moral as well as social questions. But we are really concern with legal reform. To what extent is it possible to bring about legal reform depends on whether the legalization is medically viable, religiously sound or morally and socially acceptable.

The legal reform involves the position of the present laws regarding abortion in Malaysia. How far is the law adequate in helping the women? Does the law recognise that it is the right of the woman to abort or there is no right at all being recognized?

The medical reform raises the question as to whether the legalization of abortion would affect the woman's physical or mental health.

The religious reform raises the question as to how far does religion forbid abortion. Can there be a compromise between religion and the real existing situations in life? If there is a compromise allowed by the various religions then to what extent can reform be extended.

The moral question involves an individual opinion. The individual's opinion is usually based on what he religiously believes in, his social status and his educational level. Opinions of each and every one varies and therefore the reform has to be in accordance with the general views of the individuals.

The social reform involves the question as to the effect of the reform to society that practices different religions and have different needs.

CHAPTER I

INTRODUCTION

A. DEFINITION

The term "abortion", in both legal and obstetric parlance, is generally applied to the premature expulsion of the product of conception, that is before twenty-eight weeks of pregnancy (the period after which the foetus is considered viable).¹ In the clinical sense abortion means the physiological process of evacuating a pregnant uterus, but in the legal sense it normally refers to induced abortion.²

Abortions may be either spontaneous or induced. And induced abortions are divided into legal and illegal.³ A spontaneous abortion is one that occurs naturally as a result of certain pathological conditions often beyond the control of the pregnant woman and the physician. An induced abortion is the deliberate interruption of pregnancy by artificially inducing the loss of the foetus. The legality of an induced abortion depends on the particular laws in force in a country.⁴ In some countries only a therapeutic abortion, carried out to save the life of the mother, is legal. In some other countries an induced abortion may be permitted not only to safeguard the mother's physical and mental health but also on humanitarian, demographic, economic, eugenic and social grounds.⁵