

**REGULATING ABORTION IN MALAYSIA**

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## **ABSTRACT**

This project paper is concern on recommending a law of abortion in Malaysia. Basically in Malaysia, abortion is illegal however there are certain circumstances in which abortion can be carried out. However, most women in Malaysia do not have knowledge on the legality of abortion. As a result, illegal abortion keeps on increasing day by day. The problem become worse when there is no specific act governing abortion in Malaysia other than Section 312 of Penal Code.

This project will focus on scrutinizing Section 312 of Penal Code, Indian Penal Code and also Indian Medical Termination of Pregnancy act 1971. A study and research had been conducted in determining the strength and weaknesses of the laws. It also will determine the practicability and effectiveness of these laws.

We also include our recommendation and conclusion at the end of our project paper which we hope it would help to make a new law which is more effective regarding to this issue.

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# CHAPTER ONE: INTRODUCTION

## 1.0 INTRODUCTION

Abortion is defined as termination of pregnancy before the foetus is viable.<sup>1</sup> In the medical sense, this term refers to the termination of pregnancy before the foetus is capable of survival outside the uterus.<sup>2</sup> The term abortion is more commonly used as a synonym for induced abortion, the deliberate interruption of pregnancy. There are many countries that adopted abortion laws. Among the countries are United Kingdom, Canada, United States, and India. Nevertheless, with regards to the situation in Malaysia, there is no specific abortion law provided under any statutes. This leads to several complications.

Since there is no specific law pertaining to abortion, there is also no specific procedure provided for it. The fact that there is no specific law to govern abortion in this country has contributed to several difficulties such as uncertainties among the medical practitioners as to what extend abortions are allowed, the rights of the mother to seek abortion if she really needs and on what circumstances abortions become illegal. Therefore, many people tend to opt for illegal abortion.

Globally, 20 percent of pregnancies were terminated via induced abortion each year.<sup>3</sup> In developing countries, most induced abortions were unsafe. They were performed by individuals without the necessary skills or in an environment that does not conform to the minimum medical standards, or both. Unsafe abortion is a significant public health concern, with an estimated of 68000 women dying every year and millions more suffering from abortion-related complications.

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<sup>1</sup> Farlex. "The Free Dictionary Medical Dictionary." 2012.

<sup>2</sup> Ibid.

<sup>3</sup> Gipson, J. D., M. J. Hindin. "Having Another Child Would Be a Life or Death Situation for Her: Understanding Pregnancy Termination among Couples in Rural Bangladesh.", (2008) 10 *Am J Public Health* 98 at 100.