

**A LEGAL STUDY ON TERMINATION OF FOETUS WITH SEVERE MEDICAL  
ANOMALY**

**By**

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**The students/authors confirm that the work submitted is their own and that appropriate credit  
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## **ABSTRACT**

The main purpose of this research is to propose an exception under Section 312 of Penal Code to terminate foetus that has been pre-natally diagnosed with severe medical anomaly. This issue is vital in current situation as it has taken a massive place in our society in the sense that; statistics have shown there is a tremendous increase as to the number of foetus or baby born with medical anomaly. Our research then concerns with the central dilemma whether a woman has the right to terminate her pregnancy, when it comes to her medically diagnosed foetus with anomaly. Throughout this research, we will analyse the legal, social and religious perspectives regarding this matter. From the findings, the legal view in Malaysia shows that it is not legalised under the Penal Code. Therefore, comparisons are made with the statutes in the United Kingdom which are far more advanced than us, so as to find a way to fill in the lacunae that we have in our law. Besides that, in terms of social perspectives, we have laid down several reasons as to why this issue should be legalised so as to enable the incorporation of an exception to Section 312. In addition, in terms of religions wise, generally the four main religions in Malaysia prohibit abortion but in certain situations, it is permitted. Hopefully from this research, the findings are sufficient to formulate a ground to propose incorporation of an exception under Section 312 so that we are not left far behind in terms of development of law and at the same time we could also fill in the gap in our law. It is our biggest hope that this research is beneficial to all regardless of whether they are from legal, medical, teaching field or even a layman especially the mothers.

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## **INTRODUCTORY CHAPTER**

1. INTRODUCTION
2. THE PROBLEM DEFINED
3. SCOPE AND LIMITATIONS OF RESEARCH
4. CHAPTER OUTLINE
5. CONCLUSION

### **INTRODUCTION**

The concern of this research is to conduct a legal study on termination of foetus with severe medical anomaly. This is one of the most controversial issues in the area of medical law since it concerns with one's religion and whether this act of terminating the foetus is actually could be regarded as ethically or morally to perform it. While under Section 312 of Penal Code only governs abortion under the situation where the mother could terminate her pregnancy if her life is at risk but not in the situation where the foetus has been pre-natally diagnosed with severe medical anomaly. Thus, our research concerns with the central dilemma as to whether a woman has the right to terminate her pregnancy when it comes to medically diagnosed foetus with anomaly and if she does, to what extent the right is govern under the Penal Code.

Our research background will then revolve around rights of a woman to terminate her early detected pregnancy with severe medical anomaly. Among the contributing factors to terminate her pregnancy would be based on the legal rights govern by our laws, her religion stance as well as the social consequences that the defected baby will face after birth, when the mother disregards the termination of pregnancy.

Since the Penal Code uses the term "miscarriage", there is no legal definition of what comprises "termination of foetus. However, "termination of foetus" can be referred to as abortion, which means the removal of foetus from a woman's uterus