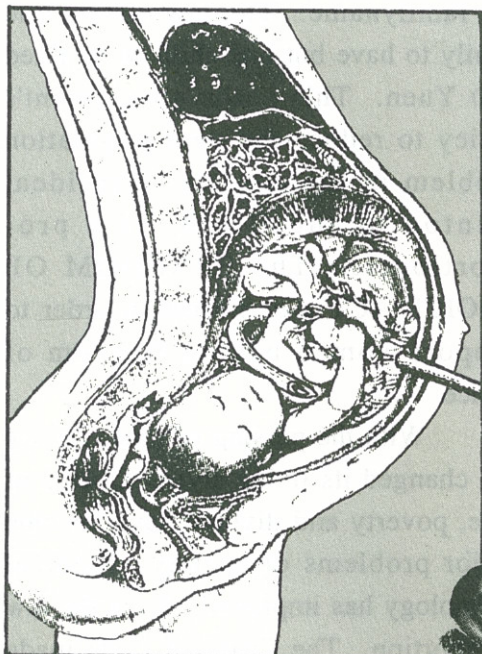
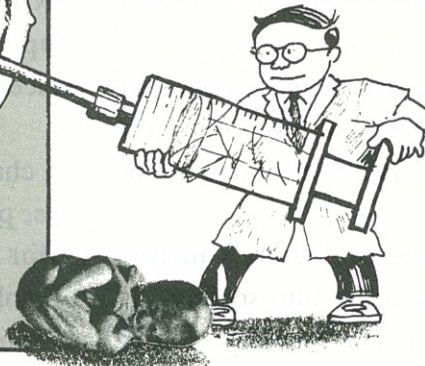


THE LEGALIZING OF ABORTIONS.



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"Abortion" has different meanings to different people. To those who practise medicine treatment means the process of taking out the embryo or fetus from pregnant women. To women who have abortions, it is the release of their burden. To some others, it is immoral. But to us, lawman, it is illegal.

It is generally admitted that no any woman like to have an abortion. Not even one thinks of abortion before she gets pregnant. It is "necessity" that brings her to. It is the problem of such

woman individually but it does affect the society at large and causes problems to our society.

Women who seek abortions find herself having a very hard time because it is against her satisfaction and against the law-criminal law.

Abortion becomes the hottest issue after the police raided the clinics and hospitals recently. The scene of fetus, infants' bodies and women waiting in line for abortion did touch everyone's heart. The public is alert to suppress the

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abortion and help those women who are suffered by unwanted pregnancies.

The question is raised to wheher abortion can be legallized now? Some people search for what they call "*Freedom to abortion*"

Abortion is not only immoral ; it is also a sin in every religion. Buddhists believe that abortion is the killing of humans and Catholics believe that even contraception is a sin.

A sin is a sin. Some people said sometimes it is necessary to commit a sin as there is no jail punishment while there is in laws.

Law is one of society's instruments for putting order into society. It confirms the rights and duties of people towards each other. Law is made on the cultural basis and religious beliefs basis without ignoring the government's policy and society's demands. Therefore, if the law says that abortion is prohibited by criminal law, people will be afraid of committing a crime. This is the difference between law and religions though they have the same objective.

Besides religious belief, the government's policy plays a part in lawmaking. After World War II, the Thai government was very concerned of increasing population, thus providing free marriage ceremonies, propagating marriage. Abortion is absolutely and completely against the law. In China, even the Chinese believe that having

many children brings prosperity. Boys are treasures to them as they can inherit the familyname. The law allows one family to have but one child or be fined 200 Yuen. This is the government's policy to reduce the over-population problem in the country. President Clinton of the U.S.A. is a pro-abortionist. The FREEDOM OF CHOICE ACT was drafted in order to support women having freedom of choice.

With the passing of time, society has changed its living style. Crimes of rape, poverty and divorce have become major problems of society. Medical technology has improved. So is the law on abortion. The Criminal Code made in 1975, legalised abortion in the case of women being raped or incest or if the women's health is endangered if pregnancy is carried on.

This does not help to decrease the number of illegal abortion in Thailand. People who seek abortion are not afraid of violating criminal law or may be they are afraid of but to carry on their pregnancy is more terrifying.

The main cause of abortion is "*unwanted pregnancy*" or "*unexpected pregnancy*" the reasons for abortion are various but stand on only one ground-they do not want a baby. Why? Neccessity. Then what is their neccessity?

Socio-economic problems e. g.

no responsibility on pregnancy, promiscuity of teenagers, lack of knowledge on pregnancy, family and personal problems, such as health, divorce, failure to contraception, etc. To them, pregnancy is a burden and having a baby is more burdensome.

To solve the problem of abortion, we have to stop pregnancy from occurring. This is one of the hardest things in the world to our human-beings. Family planning is one of the programs launched to control pregnancy. Unfortunately, it does not quite succeed as the rate of pregnancy and abortions are still increasing each year. People then turn to changes in the abortion law.

Actually, legalising abortion does not mean decreasing the number of abortions. The law does not cause abortion and we cannot stop women from having abortions if they feel they need to have them.

Pregnancy is a natural matter while abortion is contrary to the law of nature. Abortion is not only against the religious belief and moral concepts of society but is also a harm to life. Therefore abortion is against the law.

However, in our real world, we have to admit that in certain circumstance (s) abortion is unavoidable. The law understand this fact thus provide exemption of guilt to those who have or perform an abortion under two conditions as stated in article 305 of the

Criminal Code.

Still, this cannot release the burden of women since only few of them fall into these two categories. Mostly they are encountering other problems and reasons as said above. Besides, for those who are raped or engaged in incest, it is embarrassing to go to the police, and even when they do so, the process of proof is too long to wait. Usually, the result comes out after the delivery of the baby.

The law is the law, but getting the evidence to enforce the law is another issue. The present abortion law is obviously not practical at all.

To amend the abortion law, we have to consider the pros and cons of changing the law. This abortion issue is not at all a tiny problem. It is so sensitive that it affects many other units of our society. There is pressure from the pro-life and the prochoice group. It is already a small battle in some countries which will grow into a big one if not carefully solved. It is also important to consider the direction our society should move concerning this long running controversy.

It is ethically wrong for anyone to kill or wipe out another life. Even the woman who, herself, has the abortion feels the same way. But we have to agree on one thing-for those who find that being pregnant is the end of their lives, their future is left with nowhere

and no one to turn to. As long as abortion is undergone beyond those two exceptions in the law, the result is not only illegal but it is dangerous to women. Put aside the difficulty in having another pregnancy, the consequences of illegal abortions are very serious.

The law must be made in accordance with social demand :

- the present law gives doctors no idea on the position of their rights and duties to perform abortions: to what extent that they can undertake the abortions without being accused of committing a crime.

- most people expect the number of abortions, either legal or illegal, to diminish. They are also very concerned on the quality of people to be born and the quantity of population control.

- women who choose to have abortions want to have it done freely, safely, confidentially and legally.

Their demands are varied and different. The law cannot satisfy everyone in society. thus, the best way is to offer a compromise.

If we allow abortions to take place freely, there will be a lot of women seeking abortions as their first choice because it is the shortcut to freedom. The increase in the number of abortions will lead to a disaster in society in many ways. If we try to prohibit abortions by law, there will be a

lot of children abandoned at birth or reared in an underprivileged environment. In whichever way, poor and rural women are mostly affected.

Abortions are necessary in today's society. However, it is not the only escape from the women's problems. The law on abortion should be more liberalised in line with changes in public attitude without making the operation legal. By any reason, abortions should not be freely available in our society.

We should look at the whole structure of the problems and move towards our goals of decreasing the number of abortions, yet help those who suffered or are to suffer from abortion to find ways to better their lives, and, by the way, punish those who violate the law on abortion.

To protect women from being accused of illegal abortion :

In order to assist women who need to have abortions, article 305 of the Criminal Code is to be modified. However we have to be very careful as it is a between the line of freedom and abortion and access to legal abortion. Only in some specific cases should the law allow an abortion. Besides the present exceptions, the climate of social and economic problems are considered.

- failure of contraception
- pregnancy of school girls
- divorce while pregnant (though

rare)

- pre-marital status
- pregnancy before being legally mature (juvenile)

To be open-minded, it is sensible to give women a passport to abortion. In the case of poverty, financial instability or inability to feed or bring up the baby, these are absolutely unexcusable and should be completely prohibited by law. No matter how they have suffered or are in unbearable situations, there are many organizations, both public and private, to support or release those burdens for women. These can be assumed as other exits for them to cope with the problems, though.

Health is another case that plays a part in abortion. As the present law allows abortion if a woman's health is endangered, the health of a baby, then, is to be put in for one of the exceptions of article 305.

We pay very close attention to the quality control in our lives as well as to the population and the life of people in the society. We do not want many people with a low standard of living. We do not want handicapped whether at birth nor incurable diseases in the new born children, therefore, if the diagnosis comes out that the fetus have serious mental or physical defect, we should not allow the child to be born. However, slight defects should not be a reason for legal abortion.

The physical well-being of

women is to be strictly stated. To what level is the pregnancy dangerous to their mental health.

Always stand on the ground that abortions can be legally allowed only as a necessity. The exceptions and the amendment of the abortion law must be very carefully made. If we aim only at protecting women from being accused of illegal abortions, preventing the occurrence of abortions and assisting women who had abortions, we can anticipate the loss of security and order in our society as a whole.

To prevent women from having abortions:

To allow legal abortions, suitable measures should be established in order to prevent women from illegal abortions. The law must not be abused. These measures should be implemented :

1. In the event of social problems that give women reasons to have abortion, we should consider the least dangerous time to undergo the abortion which may be at twelve weeks of pregnancy or less for the sake of the woman except in the case of emergency.

2. If the pregnant woman is a minor or a juvenile, parental consent is required. Any disagreement between the girl and her parents should be judged by the court.

3. Waiting period is another measure that enables a woman to reconsider her decision. Physicians and

doctors are to be in charge. They are to give advice in order that the patients may find other ways to resolve their dilemma. A twenty-four hour waiting period is the appropriate time for them to clear their confused mind in order to be certain that the choice they have made is really the right decision.

4. In the case of a woman having a specific illness or health problem, a specialised doctor is required to give advice and discuss with the patient prior to the final decision. In such a case, any treatment required could be carried out.

5. For the marital woman, a husband's consent is required. We also should have consent from the owner of the sperm and egg in the case of pregnancy being carried on by using another woman's uterus.

Doctors shall have no casting vote in decision-making. The right to make a decision must go to the patient herself with consent in particular cases and/or the judge in the event of different opinions. However, in whatever cases if the patient is in medical emergency, doctors must be in the front line as same as other emergency cases.

Enforcement of law :

As we give many alternatives to women seeking abortions and establish measures to prevent abortions, we should also punish those who violate the law in order to suppress the abortion. The imprisonment should be amended in

more terms. The penalty for the attempt to illegal abortion should be imposed (see article 304 of the present law)

There should be a committee, clinics or offices that take care of women during the police and court procedure. No matter how the court rules, these women are victims of the dark part of society. They need treatment in order that they will be afraid of repeatedly committing such act and also to cure their ruin mind and ease their mental anguish.

The lawmaker must not error the objective of revising the law on abortion.

Abortion must be carried out by skilled doctors only. The process should be kept confidential yet recorded which will be for the benefit of women and should be good for evidence in the future, eg. for the doctor to do correct approach in the next medical treatment and for the patient herself to claim her rights if she wants or needs and for the sake of the rights of the baby or baby-to-be if the law provides. The service must be accessible to poor woman in general hospitals. Private hospitals and licensed clinics are their choice if they prefer to go to. May be the cost of abortion is extortionate, let it be the move of the free market because it is better than limit the service in some places which may cause no competition and low standard service and the unbalance between the number of

patients and the amount of available doctors.

Besides revision of the law, other organizations and units must participate in decreasing the numbers of unwanted pregnancy that lead to dangerous and illegal abortion, such as increasing contraceptive knowledge and practice among married women. Family life education for the single juveniles, know-how for girls of how to resist if sexually attacked by male, establishment of moral standard for society and planting consciousness of moral behavior to children should also be implemented.

However, unwanted pregnancy will still occur. Therefore, counselling clinics are to be founded as well as a "happyline" for those who want just a phonecall. Emergency homes for those who need shelters and clinics for those who need legal consulting should also be established. Some of these already exist and are carried out by both public and

private organizations.

If everyone in the society takes responsibility to this social problem, abortion, which everyone hates to have or performs or involves in, will become a minor problem in the society and will gradually disappear at last. It might be building a castle in the air but it is also the hope of everyone. What we need the most is co-operation and help from women who are troubled and who are the trouble of the society, to search their way out from abortion. Then whether abortion should be legalised not be a big question anymore.

Law is one of the social instruments that draws a line of what can or cannot be done. The law needs everyone in the society to use and enforce it effectively. The question of whether abortion should be legalised is answered here but whether the problem of abortion will be solved is still unanswered. □□

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