

Thesis Title	Legal Abortion: the Comparative Study of Conditions of Committing an Abortion of Other Countries
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ABSTRACT

Provisions of the Penal Code which relate to the abortion are prescribed with the intent to protect the child en ventre sa mere and the life and body of pregnant woman. Section 301-304 of the Penal Code provide protection to the child en ventre sa mere's life to give the child an opportunity to live; and Section 305 of the Penal Code provides protection to the pregnant woman's life and body, it entitles the woman to have an abortion without being guilty in two cases, i.e. it is necessary on the account of the health of the woman and the woman has been pregnant as a consequence of the commission of the criminal offense, provided that the abortion is done with the consent of the pregnant woman and it is committed by a doctor. However, despite of the aforementioned entitlement; in practice, the illegal abortion is secretly committed as the woman overlooks the importance of the safety of abortion. She is ready to pay and have herself aborted at wherever the so service is provided. With that idea, the woman immediately flies into the face of danger arising from the abortion since not everyone will be safe from the abortion. The abortion is a two-edged sword, it offers both good and bad consequence at the same time. Therefore, as the Penal Code provides the circumstance where the woman is entitled to legally have an abortion, it is necessary that the woman's right to be safe from the abortion is protected.

The study in this thesis concerns the protection of the pregnant woman's right to enjoy life and body safety when it is necessary for her to have an abortion. Section 305 of the Penal Code and the Medical Council Regulations on Medical Termination of Pregnancy According to Section 305 of the Penal Code, B.E. 2548 (2005) will be studied. They will be compared to Laws of other countries. Conditions of committing an abortion which deal with

safety; such as the condition on the gestation under which the woman must ask for a permission to have an abortion when the gestation is not great; that on the number of request under which the number is limited so that the woman cannot arbitrarily have an abortion and needs to consider birth control; that on the qualification of the doctor who will commit an abortion under which only the obstetrician who is specialized physician is permitted to perform an abortion; that on the discretion of the doctor under which there must be at least one doctor who is not the one committing an abortion participating in determining a request for having an abortion and, in the case that it is necessary to commit an abortion at many weeks of gestation, the medical committee consisting of specialized physician, psychologist and social welfare worker is needed to be appointed to consider the so request; that on the place where the abortion is committed under which only private or state hospital can provide the so service, and the private enterprise should be enabled to do so; or that on the consent of the woman under which, in case that the woman requesting for an abortion is a minor, her parent or guardian must participate in making the so decision, or, in the case that the woman is a married woman, her husband must participate in giving a consent; will be considered. It is found from the study that conditions of committing an abortion mentioned earlier are necessary in protecting the pregnant woman's right to be safe from the abortion. In many countries where the law entitles the woman to have an abortion, the importance is given to the aforementioned conditions. In each country, the conditions of committing an abortion are differently prescribed. Those countries find that if the woman is entitled to have an abortion, in doing so, she should be also granted the right to life and body safety.

With all above mentioned, every agency or entity involved should recognize the importance and necessity of prescribing clear and precise conditions of committing an abortion in the Penal Code, or should cooperate in finding a way to enforce the conditions effectively. In doing so, the safety of the woman should be primarily considered. This will guarantee that the so service provided by the state is more safe to the woman's life and body than illegal abortion secretly committed in the private enterprise.