



A Theological Review of the Practice of Abortion among Unmarried Women in India

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ABSTRACT

In 2022, the Supreme Court of India has legalized abortion for all women, regardless of marital status. Consequently, all women in India are free to terminate their pregnancy without having to face a legal case. This decision is a breakthrough for new laws in India, including the issue of upholding women's rights. Even so, the act of arbitrary abortion is contrary to morals and Bible teachings. This article aims to discuss the legalization of abortion carried out by the Indian government from a biblical theology perspective by using a literature review approach. The findings of this research indicate that legalizing abortion through legislation is contrary to the biblical principle of the right to life. The government must guard abortion cases not only from political and socio-economic roles but also from religious beliefs and provide good sex education and a healthy environment for its people to suppress unwanted abortions. The role of parents in educating children and the role of the church in maturing the faith of the younger generation can prevent free sex and unsafe abortion in India. The contribution of this research is related to abortion, the right to life of the fetus, women's rights, sex education for the younger generation, parenting and government law.

Keywords: Abortion, Christian Ethics; Fetal Rights; Theological Review, Women's Rights;

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INTRODUCTION

The Supreme Court of India again issued a controversial decision by freeing women from legal action for having abortions (Hirve, 2004). Previously, a law in effect since 1971, namely the Medical Termination of Conception (MTP) Law in India, only allowed abortion for married, divorced, widowed women, children with disabilities and mental disorders, as well as survivors of sexual violence and rape (Potdar & Jethmalani, 2015). In this way, the MTP Law legalizes abortion with restrictions based on marital status and diagnosis on fetal health condition. In its decision however, the Supreme Court legalizes abortion at 24 weeks of gestation with the fetus weighing up to 500 grams (Dalvie, 2008). This is very worrying because abortion is no longer given to married and/or victimized women only, but can also be given to unmarried women with no issues whatsoever. This opens practices contrary to the spirit of law itself. The function of law seems to be neglected by violating religious, ethical, and moral values in life.

The issue of abortion is not something new; it has become a topic of discussion in various countries. Abortion legalized through decisions of Supreme Court judges has occurred in various developed and liberal countries. Even in countries that are considered religious, the practice of abortion is of great concern (Durocher et al., 2021). Some considerations taken into account by the Supreme Court in issuing this ruling are the women's right to their body and the freedom of living without interference by other parties. This decision is considered a milestone in the fight for Indian women's rights, since it even legalizes abortion up to 24 weeks of fetal age, which is the same as for married women. The court ruled that termination of pregnancy is entirely the responsibility of the pregnant person (Jain, 2023). The court stated that reproduction is both biological and political, and that decisions are inextricably linked to broader political, social and economic structures. This is due to the fact that abortion rate in India is 47 per 1000 women (Krishna, 2022). Another problem that emerges is that legalizing abortion for unmarried women consequently opens up and legalizes free sex among the younger generation and young students. According to various studies, abortion is the most serious issue involving reproductive freedom and justice in many countries, including developing countries like India.

In addition, there have been changes to abortion regulations in India in the last two years. In 2021, the Medical Termination of Pregnancy Act, 1971 ("MTP Act") was amended by the Indian parliament. Then in 2022, the Supreme Court issued a breakthrough decision on abortion that is safe, healthy, dignified and protects the right to privacy (Rani, 2021). Despite these changes, abortion laws and practices still hinder pregnant women's access to safe and comprehensive abortion services. Even though it has been legal in India since 1971, little research has been conducted on healthy abortion services in India so far (Shekhar et al., 2020).

In India, three main problems related to abortion cases are identified: 1) the impact of legalization and control of abortion, which includes ethical confusion in a country with diverse cultures, customs, socio-economic roles, and religious beliefs (Pai & Chandra, 2023), 2) the low level of knowledge on sex among young students (Ohri et al., 2019), and 3) government policies regarding healthy abortion services to guarantee women's sexual and reproductive health rights (Kumari et al., 2022; Paul, Danielsson, et al., 2015; Paul, Iyengar, et al., 2015). This article aims to respond these main problems by conducting a theological review based on a Biblical perspective to strengthen human society as God's creation.

METHOD

This study is a Biblical study and uses literature study approach. Data were collected from studying literatures and journal articles related to abortion, law, and Bible study. In this study, the researcher discussed the Supreme Court decision and the Court's existence as the highest judicial institution from a biblical perspective. Similarly, the study also took teenagers who had casual sex and women who had abortions into consideration.

Three stages of theological analysis on the legalization of abortion in India were performed: 1) analysis of civil law according to the Torah, 2) identification of efforts to prevent abortion through biblical sex education, and 3) theological review of abortion from a Biblical perspective.

RESULTS AND DISCUSSION

Theological Review of the Supreme Court (Civil Law) through the Torah

God is the basis of law. For the first time, God introduced His Laws to Moses. God and Moses communed on Mount Sinai for forty days (Ex. 24:18). Through this communion, God announced His law, called the Torah. The tradition of the law brought by Moses became central in the lives of the Israelites. Torah law is used as a guide to solving various life problems and becomes a guide to religious life (Intarti et al., 2020). In this case, Moses became God's intermediary to the Israelites. All the problems of the Israelites were brought before Moses. He is God's representative who gives laws and upholds God's laws. Moses was positioned as the leader of the nation as well as God's representative for the nation. The essence of Moses' task was to fulfill God's will in a covenant bound by law. God commanded Moses to judge the Israelites according to the provisions of the law given to him.

The Torah has three main components: moral, ritual or ceremonial, and civil laws. The moral law is found in the Ten Commandments (Ex. 20). The ceremonial law regulates atoning sacrifices and forgiveness of sins. Meanwhile, civil laws regulate justice and

sanctity of society which are implemented by judges. Punishment will be imposed on anyone who violates the Torah, in which adulterers, murderers, and idolaters are among those who received the most severe punishment in the form of death penalty. Judges gave their rulings based on Torah.

Israelites' journey to the Promised Land gave us examples on the Civil Torah law and its practices. God taught the Israelites about legal treatment and protection by creating six cities of refuge. He established cities of refuge among the tribes of Israel with the aim that any offenses committed could be brought before the congregation for judgment (Num. 35:12-13). In a city of refuge, a transgressor could be protected from vigilante action (Yunker, 2016). After the term of punishment was determined, the perpetrator of the crime would be brought to justice in a process led by the High Priest. In this court, the High Priest ruled according to the command of God and not his own will (Lapsley, 2004), meaning that the High Priest would ask God for guidance and then receive it. If found to be guilty, the defendant would serve his/her sentence as long as the High Priest was still alive (Num. 35:25). The goal is for God's people to choose to live by obeying God's laws that God gave to Moses as written in the book of Deuteronomy (Emina, 2023). The laws that apply to the Israelites are bound by the covenant between God and His people. God is the lawgiver and the Israelites are its subjects. By this, the Israelites entered into agreement to uphold all punishment the law indicates, including the death penalty (Neoh, 2015).

The difference today lies in the giver and the subject. Kings and rulers are considered as lawgivers and the people are forced to accept the laws of the kingdom or ruler. For instance, the laws that apply in Middle Eastern countries are given by the ruling government authorities. This results in arbitrariness on the part of the authorities. In this context, the Supreme Court of India considers itself as a lawgiver. The judges' decision is considered as jurisprudence, which is then subjected for Indians to uphold.

In this spirit, the Supreme Court's decision to legalize abortion certainly did not come from God, since God opposes murder, adultery, and injustice. It goes against God's love for the preservation of His creation. Legalizing abortion is tantamount to approving adultery and free sex committed by unmarried women, including approving the act of termination of human life in the form of growing fetus.

The Supreme Court as the highest court in India should uphold God's Law and moral law and prescribe their use as references for all levels of Indian judiciary. Every government in this world is appointed by God and must be responsible for enforcing God's laws on this earth. The Bible confirms that the true government is God's servant (Rom. 13:1-5). The Ten Commandments given to Moses contains moral law (Ex. 20:1-17). It regulates God's justice and the ways to uphold His laws.

Punishment will be meted out to anyone who disobeys God's commands. In this case, God does not act in an authoritarian manner. His justice is upheld inseparable from

His love, namely protecting humans from sin and crimes against humans. Likewise for every judge who imposes a sentence. The punishment must be based on God's justice and His mercy. All decisions taken should be based on God's will, efforts to oppose sin and punishment that shows His holiness. Judges and God in deciding cases cannot be separated from the aim of the welfare of society (Rumadan, 2017).

God teaches and gives his laws and judges become God's representatives. Various issues will be presented to the judge. Society expects justice and equal rights between humans. The judge acts correctly according to God's provisions and His truth. Judges must not ignore God's law, go against His love and justice. Solving problems in society does not mean following society's wishes in the wrong way. The right law is to direct people to the will of God, the Giver of Life. Violations of all God's commandments will be judged by God. Judges who decide punishments for violations committed by society cannot be separated from God's sense of justice. For this reason, judges should obediently fear God's justice and respect God's law.

The judge's power comes from God. Judges submit to God's decisions and commands contained in the Torah. When Moses became Israel's judge, all problems that could not be resolved by the leaders would be handed over to Moses. Moses was the final judge to obtain justice. Moses continued to ask God for guidance and became the hope of the Israelites to uphold justice. Moses followed all God's provisions and decisions. He did not act according to all the wishes and demands of the Israelites. The Israelites as recipients of the law had promised to obey God. This is made on the basis that God is never wrong in making decisions. Moses as judge became God's intermediary with His people. Therefore, the Israelites would not question God's decree. Instead, honor is given to God by carrying out His commands. Judges in deciding a case need to learn from Moses so that humans can be guided to God's truth. The judge brought his people to obey God's commands.

The Law comes from God. Jesus Christ is God himself. Christ is the fulfillment of the law (Matt. 5:17). All God's demands for a spotless sacrifice to take away sin have been and can only be fulfilled or fulfilled by Christ. Humans saved by Christ are free from punishment (Rom. 7:6) and guilty if they do not fulfill it (Jas. 2:10). The law is righteous, holy, good, and holy (Rom. 7:12). However, no one is perfect at doing everything. God's people who receive salvation and truth can serve God and His people. Likewise, judges who receive safety and truth will act as law enforcers. His decision stems from the truth he received from God. He acts as a judge who carries out God's laws and commands.

The final judge is Christ (Rev. 20:11-15). All deeds done by humans will be accounted for before Him. All decisions of judges in court must be accountable to Christ. Truth and justice will be upheld by Christ himself, because there is no other law more powerful than God's law. The Supreme Court cannot issue decisions outside of God's law. God Himself will uphold His justice because God is Most Just. God will act according to

His power, authority, and holiness in supervising and maintaining justice in this world, whatever the case or life problems faced by humans. Therefore, the Supreme Court must guard abortion cases not only from political and socio-economic roles, but also religious beliefs.

Efforts to Prevent Abortion Through Biblical Sex Education

The majority of pregnancies in India are unplanned, resulting in unsafe and illegal abortions. For every legal abortion, 10 to 11 illegal abortions occur, endangering women's health and survival (Davis et al., 2020). Abortion occurs because of low knowledge about sex among teenage students and young people. The role of parents in educating children is very important in preventing pregnancy out of wedlock. God commands husbands to educate their children to love God (Deut. 6:4-9). Children who know God's word will love God. The Word of God will grow in his heart. It is very useful for fighting sinful desires, since all forces of sin can be broken by the power of God's word (Matt. 4:1-11). Mary took part in educating Jesus and bringing him to the synagogue. Jesus was educated in the Torah so his love of God's word made him wiser and more knowledgeable. Likewise, children who are taught the truth of God's word will be able to resist sexual temptation and all its deviations (Tolanda & Ronda, 2011). God's Word is a powerful force to prevent abortion.

Apart from that, parents need to be alert and supervise their children from the influence of social media, a bad environment, and association with wrong teenagers which can result in actions that deviate from the truth. Wrong teenage relationships lead to fornication and sexual promiscuity. Parental supervision of children's daily interactions needs to be improved. Responsible freedom can grow in children when they feel the presence of their parents in providing supervision, warning, communication and trust. Children's openness to their parents must be responded to with a positive attitude. Fathers, mothers and brothers become the best friends for their sons and daughters. Parents act as friends for their teenage children, especially Gen-Z and help them grow spiritually (Hendrawan et al., 2023).

Children who are happy in their home will feel comfortable because they are trusted and will not betray that trust. Being a wise parent towards your children will lead them to family honor. Mutual respect, mutual love and mutual trust need to be maintained and maintained in the family. The peace and tranquility obtained through parents' love for their daughters will bring feelings of closeness and comfort. Girls and boys need warm love and acceptance in the family. It will be difficult for him to leave that peace and will not be easily tempted to surrender his body to sexual perversion.

Early sex education is very important to teach children. Reproductive health is informed along with maintaining these organs. Attraction to the opposite sex due to the influence of hormonal development in children requires consultation with health

professionals and the clergy, such as the right time to date and the purpose of dating. Boundaries in dating must be conveyed and the dangers of sexual urges outside of marriage must also be reminded (Dent & Maloney, 2017).

Parents' openness to children's sex is not taboo. Parents need to explain that sexual relations can only be carried out between men and women in holy marriage. This is very important so that they maintain their relationship with God (Isherwood, 2004). Their bodies were presented to God as a sacrifice acceptable to God (Rom. 12:1-2). Apart from that, the church needs to take part in educating and teaching sex education to teenagers and the younger generation. This is done through discipleship and instructions on Christian religious education & moral thinking. The Christian family needs to be educated as part of the church's duties and carried out according to God's command to shepherd His sheep (Acts 20:28; I Pet. 5:2). Churches need to teach about sex education and Biblical views to their congregation.

Sex was created by God in the Garden of Eden. Everything that God has created is good (I Tim. 4:4-5). Sex is intended to increase human numbers. Man was given the task of ruling and caring for the Garden of Eden (Gen. 1:28). Sex is sacred. It serves holy purposes and not sinful desires (Harvey & Jaeger, 1993). God forbids humans from destroying their bodies because with them God is glorified (I Cor. 6:19-20).

Sexual relations between a man and a woman can only take place in Holy Matrimony. God unites a man and a woman in holy matrimony. Men and women become one and humans cannot be separated (Matt. 19:6). Husband and wife maintain and care for the sanctity of marriage. Infidelity and adultery are prohibited. Even divorcing one's wife and marrying another woman is called adultery (Matt. 19:9). God wills and determines marriage. Therefore, the pastor will educate and disciple teenagers and young couples who are about to get married.

A child's happiness when he is in the family will have a positive impact on his interactions with friends outside the home. Parents collaborating with the church in educating their children is very influential in the child's growth and development into mature individuals (Heland-Kurzak, 2019). Becoming mature in faith is good preparation to face the bad challenges and influences of the times. Currently, the world of teenagers and teenagers is very easily influenced by bad things. However, children who are educated in families and churches are not easily affected by these bad impacts because they have a strong fortress of faith. Families, churches and even schools need to work together to realize Christian ethics in the family (Tanhidy et al., 2021).

Sex education in India is also known as Family Life Education (FLE). The majority of young people in India prefer the implementation of FLE in schools. Research conducted on young children in India regardless of age and gender, found that children who had received FLE became more aware of reproductive health cases than their friends who had not received it (Tripathi & Sekher, 2013). Through FLE, school children in India

can have the right thoughts about sexual relations and the risks it carries if they abuse it. The Bible also commands parents to educate their young children according to the proper path from an early age, so that when they grow up and even grow old, they do not deviate from the correct path and upbringing of their parents (Proverbs 22:6).

A Theological Review of Abortion from a Biblical Perspective

A recent study concluded that after Medical Termination of Pregnancy Act of 1971 and its amendments were passed, it was found that until 2020 unsafe abortions were still common across India, regardless of the state's effort to enforce these regulation. The prevalence of unsafe abortion is higher in urban areas than in rural ones (Kumari et al., 2022).

Giving pregnant women the freedom to have an abortion and freeing several parties performing it from any legal responsibility are violations of God's Law. From the theological perspective, the Supreme Court decision, namely legalizing abortion, truly violates God's commandment, even if the affected party is unmarried (Datar, 2015). In theological studies, the act of abortion carried out by an unmarried woman deliberately violates the moral law established by God, namely the sixth Commandment of "thou shalt not kill" and the seventh Commandment of "thou shalt not commit adultery". God's law is found in the Ten Commandments or the Decalogue (Ex. 20:13-14). God does not want humans to commit sin (Carlill, 2016). God never releases guilty people from punishment: He will repay the iniquities of fathers to children even to the fourth generation (Ex. 34:7). God is the judge for the offender. His wrath will fall on His opponents because He is a just God.

God created man in His image and likeness (Gen. 1:26). Humans as God's creation are truly special and their lives are looked after by God. In the beginning, God provided everything humans needed in the Garden of Eden, then He created humans. In fact, according to the psalmist's confession, since in their mothers' womb, humans have realized the greatness of God in creating them (Psalm 139:13-16). From the beginning, humans were created to be holy and able to have fellowship with God (Gen. 1:26-28). However, when humans fell into sin, humans hid themselves from God. Nevertheless, God loves humans. He seeks and saves humans. God came to the world to become human and died to redeem sinful humans (Towner, 2005). The purpose of Christ coming to the world is for humans to return to His holiness. He is present within the believer. The Spirit of God lives within believers. This is in accordance with His saying: I am holy; therefore, you must be holy (I Pet. 1:16). In holiness, humans can come to God (Mat. 5:8). Every human being submits to and fears God.

There are two points the Bible teach about abortion. First, unmarried women who become pregnant out of wedlock still have the opportunity to repent, receive forgiveness, and care for the child in their womb. Feelings of shame, disappointment, anger, and hatred

towards the partner or party who caused them harm should be forgiven. The act of infanticide by abortion is not a solution to eliminate these feelings (Stephens et al., 2010). Coming to God and asking for His help (Matt. 11:28-29) is the answer (Ilan & Tanhidy, 2014). Abortion is an act that is forbidden by God and the person who performs it commits the sin of murder.

Second, the believer's body is God's temple (I Cor. 3:16). Paul exhorted the Corinthians to maintain a holy life before God. Disputes in the Corinthian church could be resolved with a pure heart. With the guidance of the Holy Spirit within them, all problems can be overcome. Egotism, anger, and condescending attitudes towards others are characteristics of sin that must be killed within oneself. This also happens to women who become pregnant outside of marriage. She had a falling out with his partner. Her trust in her partner to have sex ended in pregnancy and her abandonment. Refusing responsibility, not being ready to become parents, being ashamed of the family and various other reasons lead to the initiative to have an abortion. The pressure to have an abortion occurs because of the power of sin on young women who become pregnant out of wedlock. In conditions like this, the role of the Holy Spirit is needed to fight the desire to sin. Humbling oneself and asking for the help of the Holy Spirit to gain strength in killing the seeds of sin is the right action (John 16:8). Lost in guilt and regret for everything that has happened will be in every young woman who becomes pregnant because of having sex outside of marriage.

Every young woman who becomes pregnant out of wedlock will experience mental turmoil. This manifests in feelings of anger in the pregnant woman's soul when she was not ready to become a mother. Additional seeds of sin and temptation from the devil lead to her taking a shortcut by having an abortion. Moreover, getting support from the abortion clinic made her decision even stronger. In this case, abortion is considered a solution, as is the case in India. This is what happens to many young women in various countries which encourages them to have abortions. According to WHO, the number of abortions reaches 4.2 million in Southeast Asia every year (Fety & Kiran, 2022). This figure increases every year because it is supported by the decision of the Supreme Court as the highest law enforcer in a country. Abortion can occur in unmarried women due to low levels of education, unhappy families, unhealthy environments, and the influence of other parties.

CONCLUSION

Legalizing abortion through government laws that deviate from God's laws and commandments is wrong, because every government is servant to God and should carry out God's laws. The government is obliged to strive for good education and a healthy environment for its people to suppress unwanted abortions which are against God's law. From a Biblical perspective, abortion also goes against the principle of the right to life

upheld by the Bible. Apart from that, the family and church must work together in educating children to fear God and shun sin and evil. Thus, the role of parents in educating children and the role of the church in nurturing the faith of the younger generation can prevent promiscuity and unsafe abortion in India.

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