

# Autopsy of an Abortion Case with Birth Concealment

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**Abstract-** Abortion is the expulsion of a fetus from the uterus before it has reached the stage of viability. In the case of finding an unknown baby's body in an improper place, it is very important to know whether the baby has breathed after birth or not. This will affect the type of charge against the suspect, whether it is abortion case or infanticide. The ability to breathe the fetus after birth is influenced by viability where one of the criteria is the age of the fetus in the uterus. In Indonesia, the fetus is considered viable if the fetus is over 28 weeks old, but in the UK it is now using the limit of 24 week above. Illegal abortion is always followed by concealing the birth by burying, hiding or removing the baby's body. The baby's body was found floating on the beach with the umbilical cord still intact. At the examination, the decomposition process was found and no clear signs of violence were found. Anthropometric measurements of the baby were body weight 850 g, body length 34 cm and head circumference 30 cm. The examination of lung indicated that the lung was never expanded. lung float test was negative. From the results of the examination, it was concluded that the victim was not breathing since birth because the fetus was not yet viable at birth.

**Index Terms-** Abortion; Still Birth, Birth Concealment.

## I. INTRODUCTION

In Indonesia, a lot of women experienced a pregnancy that is not planned each year, and most of them want to ending their pregnancy because for various reasons. According to Gilda Sedgh et al, the incidence of abortion in the world is 35 out of 1000 women aged 15-44 in 2010-2014, where more occur in developing countries (37 out of 1000 women ) than in developed countries (27 out of 1000 women ). About 80 percent of pregnancy that is not planned ending with the abortion.<sup>1</sup> Estimated cases of abortion in Indonesia is around two million in 2000. Incidence rate of abortion based on a study is 37 out of 1,000 women's reproductive age.<sup>2</sup> This estimation is higher when compared with other countries in Asia, about 29 abortions occur for every 1,000 woman of reproductive age.<sup>1</sup>

Existing law in Indonesia has arranged action abortion criminals as law criminal material, then every deed abortion will be charged penalty criminal to the culprit. In the Criminal Code (KUHP), there are related articles with abortion criminal that is in Pasal 299, 346, 347, 348, and 349. Abortion can also be legal

action if indicated for medical reason with the conditions that have been determined in the Undang-Undang Republik Indonesia Number 36 of 2009 concerning Health.

The role of the doctor in the autopsy of the fetus corpse is to check fetus corpse for several things, one of them that is birth signs of life. This thing is important for police in determining the provision of the law violated by the suspect. Besides that, estimating the ability fetus to live outside the womb (viability) is also important.<sup>3</sup>

Birth concealment is a crime. The most frequent thing that makes a mother hide the birth of the baby is fear or embarrassment known by people because of unwanted pregnancy.<sup>4</sup> Concealment birth is breaking the regulated crime in Pasal 308 of KUHP for birth concealment and Pasal 181 of KUHP for still birth.

## II. CASE DESCRIPTION

The examination of a fetus corpse has been done accompanied by a letter request for Visum et Repertum. The corpse found on the beach in position face down. Umbilical cord still attached to the body with placenta. The corpse found without wearing clothes.

### External Examination

- a. The body is unlabeled.
- b. Corpse was in plastic bag shrouded with towel and jacket.
- c. There was no post mortem rigidity and lividity were found. Signs of decay was found like change of skin color and exfoliation skin all over the body.
- d. Fetus corpse was a female with body length 34 cm, weight 850 grams.
- e. Head:  
Asymmetrical, her hair was straight and black, hair length was  $\pm 1$  cm, head circumference was 30 cm.  
Eyes: cloudy cornea eye.  
Nose: symmetrical, no abnormalities.  
Mouth: normal shape, teeth have not grown. No abnormalities.  
Ears: normal shape, no abnormalities.  
There were no signs of violence on the head.
- f. Chest: No signs of violence were found.
- g. Abdomen: looks bulging, umbilical cord is still attached to the body, bluish red color, length 31 cm. The placenta and umbilical cord are still attached to the abdomen.

- h. Upper and lower limbs: nails do not pass the fingertips.
- i. External genitalia: no abnormalities.
- j. Anus: no abnormalities and no signs of violence were found.



**Image 1. Fetus corpse complete with placenta and umbilical cord.**

#### Internal Examination

- a. Chest cavity
  - (1) No signs of violence.
  - (2) Lungs not fulfill the chest cavity .
  - (3) Diaphragm was at level 3rd ribs.
  - (4) Heart consistency was soft, the color was red, size heart was 2 x 1.5 x 1.5 cm. Not found of abnormality.



**Figure 2. Macroscopic view of the heart and lungs**

- (5) Lungs: crepitus (-), consistency was chewy, red color, edge lungs was sharp. The right lung measures was 2.5 x 2 x 1 cm. The left lung measures was 2 x 1.5 x 1 cm.



**Figure 3. The lungs do not fulfill the chest cavity at the opening of the chest cavity**

- b. Stomach Cavity
  - (1) Liver colored red black, smooth surface, sharp edge, chewy consistency, the weight was 50 grams.
  - (2) There was no food in gaster. The gaster was submerged in water.

- (3) The small intestine and large intestine were submerged in water.

#### c. Cavity Head

- (1) Not found abnormality or signs of violence.
- (2) The brain was melted (sign of decay)



**Figure 4. Macroscopic view of the brain that has melted a result of the decay process**

- d. Neck: No abnormalities or signs of violence.

#### Inspection Addition

- a. Lung floating test: negative.
- b. The ossification center was found in the calcaneus.
- c. Blood type: O



**Figure 5. Lung floating test**

#### Conclusion on Visum et Repertum

1. The corpse was female.
2. On external examination: signs of the decay process were found. Weight 850 grams, body length 34 cm, head circumference 30 cm. There is a change in skin color and peeling of the skin. There were no signs of abuse or violence.
3. On examination, it was found that the lungs did not fulfill the chest cavity, negative lung rattles, sharp lung edges. The lung floating test was negative. No abnormalities or violence were found.
4. The fetus was not viable (26-28 weeks), the fetus never breath. No signs of treatment were found.
5. The victim did not breathe after birth (abortion) according to the age of the fetus in the womb.

#### III. DISCUSSION

There was a case of the corpse of an unknown fetus in an inappropriate place, which was found on the beach. Several possible cases happened to the victim, including the abortion baby, the victim of the murder of her own child, the murder victim, stillbirth and discarded and the neglect of the newborn child. All of the cases mentioned above are certainly related to different legal provisions.

### **Born alive or stillborn?**

The first thing we find out from examining a fetus's corpse is whether it was born alive or stillborn.

To determine whether the fetus was born alive or dead, it can be seen from the examination of the respiratory system. In babies who have breathed, the level of diaphragm as high as 5th or 6th ribs while those who haven't breathed is as high as 3rd or 4th rib. Fetus lungs who has breathe colored red, no homogeneous and mottled, consistency like sponge and cracks at the touch. Meanwhile, in the fetus lungs who hasn't breathe colored red purple. Fetus lungs who has breathe will floating if in water, while fetus lungs who hasn't breathe will sink.<sup>6</sup>

In this case, the lungs were dark red in color, the lungs did not crack, the consistency was chewy, the lung edges were sharp and the floating test of both lungs was negative. The lungs do not appear to fill the chest cavity. The diaphragm is palpated at the level of the 3rd intercostal space. From the results of the examination, it can be concluded that the body of the baby never breathed or was stillborn.

### **Treatment signs**

The next thing to look for from the examination of the baby's corpse is signs of treatment. Newborn that didn't get treatment care is known from several signs, body still covered by blood, placenta still attached with umbilical cord. When placenta no exists, then the end of the umbilical cord cuts look irregularly. Presence of vernix caseosa, on the forehead and in the area containing folds skin, like area fold armpit, fold thighs and parts behind buttocks. Signs of treatment are not as important for stillbirth cases as in live birth cases, where in live birth cases it will determine whether the case leads to homicide or the murder of the child himself. But it is also useful as additional information for investigators in solving their cases.<sup>6</sup>

In this case, the umbilical cord was found completely with the placenta still attached to the baby's body, which indicated that there were no signs of postnatal care on the baby's body. This indicates that the mother of the baby's corpse may not want the baby. Even though the baby she gave birth to was dead, as a mother, at least cut the umbilical cord and buried it properly, not throwing it on the beach.

### **Viability**

Estimated child capable live outside the womb if the weight has reach 1000 grams or age 28 weeks gestation. Determine viability baby means to do evaluation to ability for maintain his life outside womb without special equipment. Viable if the baby the could live outside womb without additional care or life support from special equipment. The criteria for a viable baby are gestational age of more than 28 weeks, body length of more than 35 cm, weight of more than 1000 grams, head circumference of more than 32 cm and no severe congenital abnormalities.<sup>7,8</sup>

In this case, the body weight was found to be 850 grams. According to her weight, the baby's gestational age is around 26-27 weeks old. Body length measured on examination is 34 cm, when converted to gestational age it becomes 27-28 weeks. In the head circumference measurement, a value of 30 cm was obtained, where the baby's viability limit was above 32 cm. On external examination and internal examination of the body, no major

congenital abnormalities were found. So from the findings and measurements of the corpse, it can be concluded that the baby is not viable, which means the baby is unable to maintain life outside the womb. Estimated fetal age is 26-28 weeks.

### **Mother-daughter identification**

In the case of abortion, an examination by a doctor is also carried out on the suspect (the baby's biological mother) and the baby. Signs of new childbirth can be seen from new torn wounds along the birth canal, the uterine ostium can be passed by the fingertips, bleeding from the uterus, uterus size, breast milking, and hyperpigmentation of the areola mammae.<sup>3</sup>

In this abortion case, the police did not catch the mother of the fetus. Investigators only sent the baby's body. Therefore, the examination is only carried out on the corpse of the baby.

### **Aspect medicolegal**

When investigators ask autopsy corpse to a doctor, then doctor must know what to do so as not to there is missed things after autopsy. Because visum et repertum used for judiciary, doctor should also know about the law, especially criminal law so that examination of the corpse can more focus on related things with that law.

In this case, the baby's corpse is declared as a stillborn in a non-viable baby. However, because in KUHP there is no question about gestational age, the punishment for stillbirth in a viable baby is the same as in the case for a stillbirth for a non-viable baby. The articles related to this case are Pasal 299, 346, 347, 348, 394.<sup>9</sup>

In this case, information was also obtained that the baby's body was found on the beach. Therefore, this case can also be subject to a crime of concealment of birth (stillbirth and then discarded) as stated in Pasal 181 of KUHP which reads: Whoever bury, hide, carry away or remove a corpse with the intention of hiding his death or birth, is threatened with imprisonment. a maximum of nine months or a maximum fine of four thousand five hundred rupiah.<sup>9</sup>

All of the above are criminal articles that may be related to this case. But it would be even better if investigators could find suspects and other new evidence so that this case could be revealed.

## **IV. CONCLUSION**

This report contains cases of alleged abortions accompanied by concealment of births that began with the discovery of the corpse of an unknown fetus on the beach. On autopsy examination it was found that the baby was stillborn, there were no signs of treatment, the baby was not yet full term in the womb (not viable) without any signs of violence. However, the suspect (the victim's biological mother) has not yet been found, so the act of abortion is still uncertain. The articles that can be imposed due to the act of abortion are psdsl 299, 346, 347, 348 and 394 of KUHP as well as acts of concealment of births of Pasal 181 of KUHP.

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