

Euthanasia Between Human Rights, Medical Ethics and Legal Regulations

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Abstract

Rapid advances in medical technology introduce new capabilities in health care, but also bring ethical challenges, especially related to the practice of euthanasia. Euthanasia, or 'good death', has been the subject of intense debate throughout the world, ranging from support for an individual's right to autonomy to rejection based on ethical and legal values. This research uses a descriptive analytical approach with a comparative juridical method, focusing on comparing euthanasia practices in various countries and criminal law approaches to it. The analysis was carried out qualitatively to explore the influence of law, ethics and medical practice in the implementation of euthanasia. The findings indicate significant differences in the regulation and social acceptance of euthanasia between countries. In Indonesia, euthanasia is still considered taboo and violates criminal law, especially emphasized in the Criminal Code which shows legal strictness against ending life. While in countries such as the Netherlands and Belgium, euthanasia has been legalized with strict provisions to ensure compliance with strict medical and ethical criteria.

Keywords: Euthanasia, Criminal Law, Medical Ethics

1. INTRODUCTION

The rapid progress of technology, especially in the field of science, will have an impact on changes in all aspects of society, in this case the technological aspect, especially in the field of medical science. With advances in technology through modern medical equipment, the diagnosis of a disease can be made more perfectly, such as reducing pain for the sufferer and even making a person's life longer. As is known, human life has two aspects, namely the physical and spiritual aspects. The spiritual aspect has an essential function for humans and the physical aspect is the main benchmark in determining when someone is considered dead. Physical death is related to the cessation of brain function. If the human brain no longer functions (brain death) then the spiritual function no longer exists. The medical world said that the man had died. Talking about death is related to the diagnosis of death according to the medical world. Establish a diagnosis of death with the following three things: cessation of breathing, cessation of heartbeat, and the EEG becomes flat (determines the brain is no longer producing electricity). Concerning the issue of death, according to the way it occurs, science differentiates it into three types of death, namely:

1. *Orthothanasia* is death that occurs due to a natural process. For example, death due to old age;
2. *Dysthanasia* is death that occurs from an unnatural cause. For example, death due to murder; and
3. *Euthanasia* is a death that can occur with or without help from a doctor.

By Euthanasia can be simple interpreted form form of ending process live in someone who is in condition severe pain or condition heavy. Termination life in question is with use methods easy and humane medical treatment. Euthanasia is action medical with on purpose For shorten life somebody. Black's Law Dictionary, conveys explanation Regarding euthanasia in the form , euthanasia is the act or practice of killing or bringing about the death of a person who su ! ers from an incurable disease or condition. Euthanasia is sometimes regarded, by law, as second degree murder , manslaughter, or criminally negligent homicicide .

Euthanasia is a killing process or something action practice murder to someone who is in condition Sick or someone who experiences it disease that is not can healed . The Big Indonesian Dictionary defines euthanasia as

something deed with on purpose end creatures (either people or animal pet) which is medium wound critical or Sick heavy use method a calm and easy death with method humanity. Temporary that is, euthanasia is seen from the Greek *euthanatos* which mean good and *thanatos* means dead. In English often termed as *mercy killing* or *good/easy death* . The Netherlands itself through The Dutch Medical Association by *the Euthanasia Study Club* defines euthanasia as action on purpose in do something for no extend life somebody or on purpose do action to use in end life or shorten life someone, which one done for interest patient that alone. Thinking about euthanasia is motivated with exists opinion that the implementation of euthanasia is based on patient needs no suffered for a long time as well must get agreement. Euthanasia was carried out with objective for makes it easier or lighten up suffering disease experienced by the patient. Euthanasia itself depicted in position somebody own very serious disease, making suffering outside normal, that's it suffered in a long time, as well no the right time will his recovery. Apart from that, the idea of euthanasia is also in the background backed by conditions suffering patients chronic and non- chronic illnesses want to become burden for member his family. Opinions that are pro against euthanasia are based on overcoming exists suffering, looking after integrity bodily, autonomous personal as well as determined his fate alone . Euthanasia itself own where's the controversy ? talk about issue about right in end life or right for dead. By true, every man own equal position, freedom and independence. From him choice on circumstances about self patient must be respected.

There are also opposing views against euthanasia. Contrary opinion against euthanasia is based on issues euthanasia law, ethics and morals. People who don't agreed euthanasia emphasizes purity in life somebody. Besides , that exists worries on intention wicked with condition setback ethics , morals and justice moment This is what abuses euthanasia against member his family For get inheritance property or rights other from patient. Rights Man related with determination on his fate (*right of self-determination*) itself including right For life arranged universally possible seen in *the United Nations Declaration of Human Rights*, which can be interpreted as Universal Declaration of Human Rights Man (UDHR). Euthanasia itself Then linked with this Right , up to exists right in desire for let interpreted as right in determine fate alone temporary that attention in a way *de jure* or *de facto* towards human rights humans in indonesia, already there is since exists the 1945 constitution of the republic of indonesia (uud nri 1945), recognition on human rights man has very clear and defined in preamble to the 1945 nri constitution. constitution we has since beginning confess on freedom, humanity, justice, as well as guarantee right basic man in field economic, civil, political, social, as well as culture. Rights man is inherent rights self personal individuals , and rights this is the most basic for every individual for stand and live in a way independent in community public. Article 1 of the Law Number 39 of 1999 concerning Human Rights Man arrange that human rights man is set rights inherent in nature and existence man as creatures of god almighty and are his obligatory grace respected, upheld high, and protected by the state, law, government, and everyone for honor as well as protection honor and dignity man. Article 4 is regulated about right for life that right life is rights that everyone has and those that do not can confiscated part or entirely in circumstances anything and by anyone. Article 9 paragraph (1) regulates that everyone has the right for live and defend his life. Article 33 paragraph (2) regulates that everyone is free from feeling afraid will disappearance coercion and disappearance life. Individual in jurisdiction a country is obliged for protected and respected right basics, whatever condition the individual concerned.

2. METHODOLOGY

This research is descriptive analytical research, namely research that wants to obtain an overview or description of the problems in this research, the approach taken is comparative juridical. However, these two approaches only complement the initial approach, namely from the perspective of criminal law. The analysis of the research results was carried out descriptively qualitatively.

3. RESULTS AND DISCUSSION

The term euthanasia comes from the Greek, namely " ethanatos ", eu and thanatos. Eu means beautiful, good, honorable or " gracefully. " and with dignity ", while thanatos means death. So etymologically, euthanasia can be interpreted as dying well (a good death). A Roman writer named Suetonius said that euthanasia means "quick death without suffering." The definition of *euthanasia* is also made by *the Euthanasia Study Group* from KNMG Holland (Dutch Doctors Association), namely: *Euthanasia* by deliberately not doing something (*nalaten*) to prolong a patient's life or deliberately doing something to shorten or end a patient's life, and all of this is done specifically for the patient's own benefit. Since the 19th century, the term *euthanasia* has been used to describe the avoidance of pain and relief in general for people who are facing death with the help of a doctor. The use of *euthanasia* terminology includes three categories, namely:

1. Narrow use. Narrowly speaking, euthanasia is used as an action to avoid the pain of suffering in the face of death. In this case, euthanasia means medical treatment aimed at eliminating preventable suffering as long as the treatment does not conflict with applicable legal, ethical or customary rules;
2. Wider use. More broadly, the term euthanasia is used for treatments that avoid pain in suffering with the risk of shortened life effects; And
3. Most widespread use. In this broadest usage, euthanasia means shortening life which is no longer considered a side effect, but rather as an action to eliminate the patient's suffering.

Draft Euthanasia in Various Countries

a. Indonesia

In Indonesia, there are no specific regulations governing euthanasia. Euthanasia is considered against the law based on the norms in the Criminal Code, especially Article 344 which deals with requests for other people to end their lives. Religious norms and Pancasila also influence negative views towards the practice of euthanasia because they are considered to violate the sacred values of life given by God.

b. Dutch

Euthanasia in the Netherlands is legally recognized and strictly regulated through the Euthanasia Law enacted in 2002. The procedures to be followed include a voluntary request from the patient, unbearable suffering, in-depth medical consultation, and approval from an independent doctor. The assessment of the legality of the act of euthanasia is carried out by a special commission and the death report must be submitted to the Prosecutor for review.

c. Belgium

Just like in the Netherlands, Belgium has a Euthanasia Law passed in 2002, stipulating that euthanasia must be carried out at the patient's voluntary request after in-depth consultation with a doctor. Confirmation from an independent physician is required and the process must be reviewed by the Federal Control and Evaluation Committee. A special case occurs when a patient with mental disorders obtains approval for euthanasia, where the opinion of two independent doctors including a psychiatrist is required.

d. Switzerland

Although it is not explained in the narrative, Switzerland is known for its more liberal euthanasia regulations, especially in allowing assisted suicide with strict conditions and neat supervision. Organizations such as Dignitas help patients from various countries to undergo this procedure in Switzerland.

Views and regulations on euthanasia vary in different countries, with the Netherlands and Belgium as examples of countries that have clear and strict regulations, while Indonesia still strongly opposes this practice for legal and moral reasons.

Euthanasia in Health and Criminal Law

Euthanasia from a health law perspective often revolves around the conflict between medical ethics and the patient's right to self-autonomy. Euthanasia, which means ending a person's life to reduce suffering, is divided into two main types: active and passive.

1. Active Euthanasia

Active euthanasia involves direct action to end life, such as administering a lethal dose of medication. In many legal systems, it is considered illegal because it explicitly involves the act of killing. In the context of medical law, active euthanasia is contrary to the basic principle of medicine, namely "do no harm" (*primum non nocere*). This also violates the Hippocratic Oath, which is the foundation of medical ethics, where a doctor swears not to administer poison or recommend it to anyone even upon request.

2. Passive Euthanasia

Passive euthanasia occurs when life-prolonging medical measures, such as a ventilator or other life-giving therapy, are stopped. This procedure is often considered legal in many countries as long as the patient has given informed consent, or if the decision is made by a legal guardian when the patient is unable to make the decision himself. Passive euthanasia is also more frequently accepted in medical practice in line with the principle of patient autonomy, where patients have the right to refuse medical treatment.

In Indonesia, as in many other countries, the medical code of ethics sets strict guidelines for the practice of euthanasia. The Indonesian Medical Code of Ethics, for example, clearly prohibits doctors from ending a patient's life. However, there is room for physicians, in certain situations, not to initiate or discontinue treatment

that only prolongs the final phase of a patient's life without improving quality of life, in accordance with the patient's wishes. Legal approaches to euthanasia must strike a balance between various ethical and legal principles. This includes respecting patient autonomy, avoiding unnecessary suffering, and maintaining the integrity of the medical profession. Legislation in some countries that permits certain types of euthanasia is usually equipped with strict safeguards to ensure that the decision to euthanasia is made voluntarily, after in-depth medical consultation, and under conditions where the patient's suffering can no longer be alleviated by other means. In practice, the legal application of euthanasia must consider medical, ethical and psychological factors. Discussions about euthanasia also cannot be separated from the cultural context and prevailing social values. Therefore, public policies and legal regulations must continue to be evaluated and adapted to societal developments and advances in the medical and ethical fields. Indonesia, which adheres to the Pancasila ideology and emphasizes human values, euthanasia is seen as contrary to the nation's way of life. Legally, euthanasia is closely related to unlawful actions, namely the loss of another person's life. The Indonesian Criminal Code in Book II Chapter XIX regulates crimes against life, which include:

1. Article 338 of the Criminal Code: Regulates murder committed without planning.
2. Article 340 of the Criminal Code: Regulates premeditated murder.
3. Articles 341 and 342 of the Criminal Code: Specifically for intentionally killing a newborn child.
4. Article 344 of the Criminal Code: Concerns murder at the victim's own request.
5. Article 345 of the Criminal Code: Concerning intentionally encouraging or assisting suicide.
6. Articles 346-349 of the Criminal Code: Relating to abortion.

Article 344 of the Criminal Code is specifically relevant to the issue of euthanasia, where someone who takes their life at the explicit and serious request of the victim, can be punished with a maximum imprisonment of twelve years. This shows that although there is legal space for euthanasia on request, the law remains very strict. Several experts have expressed their opinions regarding euthanasia in Indonesia, reflecting the complexity of this issue:

1. Kartono Mohammad: Stating that although modern medicine has made significant progress in overcoming disease, there are still limitations in overcoming suffering. Euthanasia often occurs indirectly, for example when the family asks for the patient to be removed from the hospital.
2. Mun'im Idries: Argues that without clear legalization, doctors are in a difficult position, where their efforts to reduce patient suffering involving death could be interpreted as murder.
3. Sajipto Rahardjo: Conducted a survey that found limited support for euthanasia, indicating that society is still divided and views on euthanasia are strongly influenced by the individual's situation and context as well as their professionalism.

Although euthanasia is seen by some as a human right related to individual autonomy and the reduction of suffering, in Indonesia, this practice is still highly restricted and surrounded by much controversy, especially because it conflicts with religious values, ethics and applicable laws. Existing medical legislation and ethical codes still prioritize the protection of life and strict application of the law to any action that could lead to the loss of life, including euthanasia.

4. CONCLUSION

This research has explored in depth the concept of euthanasia from various perspectives, including law, ethics, and medical practice, and provided a comparative picture of how euthanasia is regulated and practiced in several countries. These findings show that approaches to euthanasia vary greatly between countries, with significant differences in aspects of legality, societal acceptance, and implementation in medical practice. From a legal perspective, these differences reflect a diversity of social values, ethical norms, and religious views. In Indonesia, rejection of euthanasia is rooted in Pancasila values and legal norms that emphasize the importance of protecting life. In contrast, in countries such as the Netherlands and Belgium, the legalization of euthanasia reflects a greater emphasis on patients' rights to autonomy and the reduction of suffering. These conclusions underscore the importance of ongoing dialogue between various stakeholders, including medical practitioners, policy makers, and the general public, to better understand and respect the various perspectives related to the practice of euthanasia. This discussion is not only important to resolve ethical and legal dilemmas, but also to ensure that the health and legal policies created reflect the values and ethics of the society concerned. The recommendation for future research is to explore more deeply the psychological impact of euthanasia on patient families and medical staff, as well as its influence on medical and legal practice in Indonesia. It is hoped that this study can contribute to a more comprehensive understanding and wiser policy making regarding euthanasia. Through this research, it is hoped that it can provide useful information for the formation of balanced policies, which not only respect individual rights but also maintain the integrity of applicable ethics and laws.

Correspondingly, this research also reinforces the importance of a multidisciplinary approach in addressing contemporary bioethical issues such as euthanasia.

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