

Two side coins of euthanasia: mercy-killing or evil according to human rights, religion, ethics and the law

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Abstract

Euthanasia is one of the most widely discussed concrete issues because it often clashes with the principles of Religion, ethics, human rights and law. On the one hand, Euthanasia is an act of compassion to free a person from prolonged suffering. Still, on the other hand, Euthanasia is also a crime against religious, ethical and legal principles. This paper describes in detail the two sides of the coin of Euthanasia with a review from human rights, Religion, biomedical ethics, law, and all the implementation of Euthanasia in various countries as a form of comparison, especially Indonesia.

Keywords: Euthanasia; biomedical ethics; human rights; law

Introduction

Euthanasia is a problem that has existed since the medical world has faced incurable diseases. Meanwhile, the patient's condition is desperate and sometimes is in a state of dying. In this condition, the patient is compelled to ask for action to remove the life support medical device. Over time, technology in the world of medicine has developed so that using sophisticated technology in overcoming emergencies and threatening someone's life can be saved. ^[1]

Euthanasia is a word from Greek. Euthanasia consists of two words, the Eu, which means "good" and Thanatos which means death. Euthanasia is an act of life-taking in a way that until now it was thought that the patient would not feel pain or feel very minimal pain, usually performing Euthanasia by giving a lethal injection. ^[2, 3] The Act of Euthanasia is sometimes thought to resemble a suicide. The decision to do Euthanasia was taken to reduce the burden of a person's suffering due to his disease condition. ^[4]

The classification of Euthanasia is divided into two, namely: Passive Euthanasia is an action that accelerates death by refusing to give or stopping ongoing medical assistance. Active Euthanasia is an action that shortens a person's death directly or indirectly, which results in death. Voluntary Euthanasia is an action that shortens death upon consent or at the request of the patient. Involuntary Euthanasia is an act of shortening a person's death without the patient's consent or requests. Non-voluntary Euthanasia is an act of shortening death according to the patient's request, but another party conveys it. ^[5]

In Indonesia, Euthanasia is an act that has not been accepted by society or the law in force in Indonesia. Euthanasia also does not have legal norms that can be used as a basis and legalize Euthanasia. The Act of Euthanasia is also not by the ethics adhered to by the Indonesian nation and violates the positive law in force in Indonesia, namely the Criminal Code (Penal Code). Article 344 of the Criminal Code "Whoever removes the soul of another person at the request of his person who is clearly and seriously stated, is

sentenced to a maximum imprisonment of 12 years. ^[6]

Doctors are not allowed to perform passive or active euthanasia procedures. If a doctor performs Euthanasia, it means that the doctor has violated the doctor's oath and code of ethics. The doctor must respect human life so that the doctor is obliged to treat the patient as best as possible. ^[3, 7, 8]

The case that is considered an act of Euthanasia in Indonesia is a female patient who has been in a coma for one year since undergoing surgery on the patient's reproductive organs in a hospital in East Jakarta. The husband of the patient made a request for Euthanasia against his wife, which was also a decision that had been thought by the extended family who felt that they could not bear to see their wife in torment and had a slim chance of recovery. Another case related to the Act of Euthanasia in Indonesia, namely a female patient who was in a coma due to a stroke, the patient's husband applied for Euthanasia due to economic constraints which made him unable to pay for his wife's treatment. The Court issued no decision regarding the euthanasia application.

Another case that has occurred in Indonesia is a doctor who is currently studying a specialist doctor, who is suffering from cancer "Carcinoma Nasopharinx". This patient has been hospitalized several times; this is because the patient is bleeding heavily so that the patient requires blood transfusion because the patient is short of blood. The patient also experienced frequent stopping of breathing and cardiac arrest, so that Cardiac Resuscitation (CPR) was performed so that the patient's heartbeat again, but because he had experienced this repeatedly, the specialist doctors held a meeting which decided that the patient stopped breathing and stopped heart also, the doctor does not take medical action to help the patient because so far the patient has suffered greatly from the condition that the patient has experienced. ^[9]

The number of requests for euthanasia action in Indonesia will increase from year to year. Euthanasia is, to date, a hot

topic that is widely approved or not. Euthanasia is a dilemma that puts medical personnel in a difficult position. Euthanasia is still a matter of debate by experts in the fields of medical, ethical, human rights, law and Religion. Indonesia is one of the countries that is explicitly reluctant to regulate Euthanasia. Until now, positive law in Indonesia is not clear, which can be applied to euthanasia cases.

Method and material

This journal uses a research methodology that reviews normative juridical. Normative legal research is carried out by analyzing the synthesis of deductive conclusions from the statements in data sources such as library materials including journals, books, documents, literature or secondary law such as laws, legal theory, court decisions, relevant expert opinions and related to the problems discussed in this journal. The approaches used include statutory, conceptual and analytical approaches. This research is a prescriptive-analytical which data synthesis, discussion and conclusions are analyzed in the form of qualitative research. ^[10]

Discussion

Definition and Classification of Euthanasia

The term euthanasia in Greek comes from "Euthanatos" which consists of two syllables, namely "Eu." which means good and "Thanatos" which means death. In the 17th century, the word euthanasia was first used in a medical context by Francis Bacon, to refer to an easy, painless, and happy death. Currently, Euthanasia is defined as the cause of rapid, painless death. ^[11]

Euthanasia is defined as the murder of compassion who is gravely ill, injured or incapacitated. ^[12] Euthanasia in the medical dictionary means ending one's life for granted using a quiet and easy death. Euthanasia is also considered to be the prevention of further suffering to a person with a disease. ^[13] Euthanasia is defined as intentionally not taking action to prolong someone's life or deliberately taking action to shorten or end someone's life, and it is done for the benefit of that person. Euthanasia is defined as the Act of deliberately ending the life of a living being, be it a human or animal that is seriously ill or seriously injured with a quiet death. ^[2]

From the definitions of Euthanasia according to the expert, Euthanasia can be defined as an act that is done intentionally not to take medical action to support someone's life or by accidentally ending someone's life for the personal benefit of the patient. ^[2]

As for the classification of Euthanasia, namely: ^[2]

Passive Euthanasia

Passive Euthanasia is defined as an act of hastening death by changing some form, supporting and allowing nature to take direction by following one of the methods such as removing life supports, medical procedures, medication, etc., or stopping feeding and water and leaving the person dehydrated or starvation or death or not performing CPR (Cardiac Resuscitation) and allowing someone whose heart has stopped to die (Do not Resuscitate). ^[14] It can also be done by giving high doses of antibiotics to patients with severe pneumonia or what is known in the medical world as pneumonia. To speed up the process of stopping the function of life-sustaining human organs, high doses of drug injections are administered. This procedure is performed on

people who are seriously ill, people who are suffering so that natural death will occur more quickly. ^[2]

Active Euthanasia

Active Euthanasia involves causing a person's death through direct or indirect actions that can result in death, in response to a request from that person. Such as injecting substances that are lethal to the patient or can give cyanide tablets to patients. The provision of lethal injection can also be carried out to convicts who commit a crime as a punishment for lethal injection. ^[5]

Voluntary Euthanasia

Voluntary Euthanasia is an act to shorten the death process with consent and also at the request of the patient. Sometimes the proposal does not require a signature and evidence in writing, provided that other people can be witnesses who are used as further evidence. ^[5]

Involuntary Euthanasia

Involuntary Euthanasia is an act of shortening death without the patient's consent or request. usually, involuntary Euthanasia may not be what the patient wants. ^[5]

Non-voluntary Euthanasia

Non-voluntary Euthanasia is an act of shortening the death according to the patient's request. Still, it is represented by another party, usually represented by a family or a government decision. For non-voluntary Euthanasia which is carried out by the decision of the government, concerning cases of infectious diseases, to break the chain of transmission from endemic diseases or to limit the spread of the virus, a person suffering from an infectious disease is euthanized so that people around the patient do not contract the condition suffered by the patient. ^[5]

According to Lumberton J.P, the classification of Euthanasia is: ^[15]

- Allowing someone to die, namely releasing a death because the patient feels he does not need further treatment from medical personnel, usually because the patient feels unable to recover.
- Mercy death, where the patient asks the doctor to terminate his life, resulting in murder.
- Mercy killing, which is an act of murder carried out by medical considerations using terminating the patient's life whether there is no desire on the part of the patient or other parties voluntarily.
- Brain death, which is a medical death statement submitted by a doctor because the person's brain has no function to regulate human life. The diagnosis of brain stem death is a final decision, assuming that there are no other indications regarding the patient's more convincing condition.

Euthanasia is a Human Rights Perspective

Human rights are a set of rights inherent in the nature and existence of humans as creatures of God Almighty and are His gifts that must be respected, upheld and protected by the state, law, government, and everyone for the sake of honour as protection of human rights and dignity. ^[16]

Humans have several important differences from other creatures. Still, it must be recognized that between humans and animals, there are similarities, for example, in the process of metabolism, the instinct to survive, and others.

However, the similarities that exist in humans and animals cannot be interpreted as a sign that humans are the same as animals. In some respects, humans have creations, races and works that animals do not have. This difference has the consequence that humans must get different treatment from animals so that then it becomes one of the factors behind the thought of the need for respect for human values through the formulation of a set of conceptions regarding Human Rights.^[17-19]

Recognition of human rights departs from the existence of laws from the Divine, which have given the nature of life to humans. Therefore, the rights inherent in humans come from the rights given by the "law" of God, which has the highest position. Thus, there is no single law which ruler (state) can revoke or reduce the inherent rights of humans. However, the importance of recognizing human rights should not only be seen as a result of intellectual development but must also be viewed as a divine gift.^[20, 21]

The development of thinking about the protection of human rights is part of a process of human history in which it is full of events that can undermine human dignity as God's creatures. Therefore, every human being is recognized and respected for having the same human rights regardless of their social, economic, cultural, and another status.^[16, 17, 20, 22]

From human rights in Indonesia, Article 9 paragraph (1) - Law of the Republic of Indonesia Number 39 of 1999 emphasizes, "Every human being has the right to live, to survive, and to improve his standard of life." Humans also have the right to determine their destiny, the right to live a healthy and prosperous life, but it is not the slightest thought that there is a "right to die".^[20, 21]

The soul, human life is the prerogative of God, therefore "the right to die" is not permitted and is even considered a violation, according to the conception of human rights, it still blames health workers because if these health workers commit Euthanasia, it is considered to violate human rights, namely the right to live.^[20, 21]

Euthanasia in Religious Perspective in Indonesia

Religion is a system that regulates belief and worship of Almighty God and rules related to culture, and a world view that connects humans with the order of life. Many religions have mythologies, symbols, and sacred histories that are meant to explain the meaning of life that explains the origin of life or the universe. From their beliefs about the cosmos and human nature, people derive morality, ethics, religious law or a preferred lifestyle.^[23]

Religion in Indonesia plays an important role in people's lives. This is stated in the ideology of the Indonesian nation, Pancasila: "God Almighty". It is a compromise between the idea of an Islamic state and a secular state.^[24] Several religions in Indonesia have a collective influence on politics, economy and culture. According to the results of the 2010 Indonesian Population Census, 87.18% of 237,641,326 Indonesia's population are Muslims (Nusantara is the region with the largest Muslim population in the world),^[25] 6.96% Protestant Christianity, 2.9% Catholic Christian, 1.69% Hindu, 0.72% Buddhist, 0.05% Confucian, 0.13% other religions, and 0.38% missed or not asked.^[26]

Religion plays many important roles to regulate life and answer various kinds of life problems. The answer to Religion is considered as a form of solution to various problems and questions surrounding life and death.^[27, 28]

One of the crucial issues is the issue of Euthanasia from a religious and moral perspective.^[29, 30]

Euthanasia in terms of Islam (one of the largest religions in Indonesia) prohibits active Euthanasia because it is included in the category of deliberate murder. However, the intention is to increase the patient's suffering. The same thing still applies and is legally prohibited, even if it is done at the request of the patient and his family. The law of passive Euthanasia includes the practice of stopping the medication. This action is carried out based on the doctor's belief that the treatment being carried out is useless and does not give the patient any hope of recovery. Therefore, doctors stop treating patients, for example, by stopping the patient's artificial respiration device.^[31, 32]

Euthanasia in the view of Christianity and Catholicism in Indonesia is forbidden because a matter of life and death is in God's hands. The value of human life is more important than anything else, and the life and death of a person are in God's hands. Therefore, humans will not be able to determine it if God does not will it. In other words, humans are not allowed and will not be able to accelerate or slow down the age at all.^[33, 35]

The Hindu view of Euthanasia is based on teachings on Karma, Moka, and Ahimsa. Karma is a pure consequence of all kinds of volition and intentional actions, good or bad, outward, or mental with thoughts of words or actions, as a continuous accumulation of bad "karma" and a hindrance to "moksa", namely freedom from the cycle of reincarnation, which is the main goal of Hindus. Ahimsa is a principle of non-violence or abstinence from hurting anyone. Suicide or murder is prohibited in Hinduism with the idea that it can be a disturbing factor at the time of reincarnation.^[36, 38]

The view of Euthanasia from a Buddhist point of view is based on the idea of Sidharta Gotama who always keeps away from killing all living beings created by the Divine. The Buddha tended to love life very much, avoiding killing living beings. Furthermore, the Buddha views Euthanasia as an act of suicide which is strictly prohibited because it is included in the criteria of upacchedaka-Marana (death not due to age) and is very inappropriate to do.^[39, 41]

Euthanasia: A Challenge to Medical Ethics

Beauchamp and Childress argued that to reach an ethical decision, four basic moral principles are needed, and several rules under them. The four basic moral principles are: (1) The principle of autonomy, namely the moral principle that respects the rights of patients, especially the autonomy rights of patients. In this case, a doctor is obliged to respect human dignity and rights. (2) Beneficence principle, which is a moral principle that prioritizes actions aimed at the patient's good. In the principle of beneficence, there are not only actions for good, but also actions with a good side that outweigh a bad side. In this case, a doctor must do good, respect human dignity, and the doctor must make maximum efforts to keep his patient in a healthy condition, (3) the principle of non-maleficence, namely the moral principle that prohibits actions that worsen the patient's condition. This principle is known as *primum non-nocere* or "above all do no harm". Non-maleficence is a principle in which a doctor does not commit actions that worsen the patient and chooses the least risky treatment for the patient being treated or treated by him, (4) The principle of justice, which is a moral principle that emphasizes fairness and justice in attitude and disdain-distribute the resource. Justice is a

principle in which a doctor is obliged to provide equal and fair treatment for the happiness and comfort of the patient. [3, 7, 8]

Based on these basic moral principles, the practice of Euthanasia violates these principles, especially rule number 2. Article 11 in the Indonesian Medical Code of Ethics 2012 states, "Every doctor is always obliged to remember his obligation to protect human life". The second point of the scope of article 11 states that a doctor is prohibited from engaging or engaging in abortion, Euthanasia or the death penalty for which morality cannot be accounted for. Efforts to maintain and sustain human life are the duty of a doctor. Apart from that, in medical ethics, a doctor is not allowed to abort the womb and end the life of a patient who according to his knowledge and experience is unlikely to recover. So very firmly, doctors in Indonesia are prohibited from doing Euthanasia. The ethical code implies an understanding that a doctor must exert all his intelligence and ability to alleviate suffering and maintain human life (patient), but not to end it. [42]

Juridical Review or Legal Aspect of Euthanasia Actions in Indonesia

Until now, there is no law in Indonesia which regulates the activity of Euthanasia. But if you do Euthanasia, it is the same as committing an act of murder whether you are or someone else. The Act of Euthanasia is against the law in Indonesia which is stated in the Criminal Code, including: In the Criminal Code Article 338 "Anyone who deliberately loses the soul of another person is convicted of murder, with a maximum imprisonment of 15 years". Criminal Code Article 340 "Whoever deliberately and prepares to lose the soul of another person, is punished for premeditated murder, with the death penalty or life imprisonment, or temporary imprisonment of up to 20 years". Meanwhile, in the Criminal Code Article 344 "Whoever kills another person's soul at the request of his person who is clearly and seriously stated, is sentenced to a maximum imprisonment of 12 years" Criminal Code Article 345 "Whoever deliberately incites another person to immerse himself, helps him in that act, or gives him the effort to do so, shall eat if that person kills himself, is sentenced to a maximum imprisonment of 4 months"[43]. From the meaning of active Euthanasia, active Euthanasia violates Article 340 of the Criminal Code or Article 338 of the Criminal Code; this involves planning elements of active Euthanasia, a person's life is lost due to this action. Acts of Euthanasia are committed by medical personnel, including acts that are against the law either materially or formal. As for the Act of passive Euthanasia, until now, it is still a problem that is not included in the articles contained in the Criminal Code. Euthanasia is not allowed for doctors to be performed under any circumstances. Referring to articles 340 Criminal Code, 344 Criminal Code and 345 Criminal Code, euthanasia acts against the law. [44, 47]

The Discovery of the Law as an Oasis in a Legal Vacuum

The discovery of law in the form of interpretation is an important problem in the life of law, after the passing of the certainty and calm period of the 19th century. At that time, people thought and belief that by applying legal regulations, the law had already been discovered. The legislation is the same as law. The law is none other than the legislation itself. At that time, laws were deemed perfect, and

interpretation was unnecessary. Even now, efforts towards this can be achieved if the legislation is written in a clear form by existing statutory techniques, so that interpretation is not needed or plays a very small role. [48, 49]

Oliver Wendel Holmes and Jerome Frank argue that the existing law is complete and can be used as all sources for the judge to decide all concrete events. The implementation of regulations by judges is not merely a matter of logic and the proper use of thought, but rather is giving a juridical form to substantial legal principles which according to their nature are illogical and are based more on experience and juridical judgment than what is fundamental to common sense. abstract. [50]

General and abstract statutory provisions cannot be applied directly to concrete events; therefore, statutory provisions must be given meaning, explained, or interpreted, and adapted to the events to apply to that event. Legal events must be sought first from the concrete events; then the law must be construed to be applicable [48]

Every law is static and cannot keep up with social developments, thus creating empty spaces that need to be filled. The task of filling the space is the plague that is charged to the judge by making legal discoveries through the method of interpretation and the method of argumentation, on the condition that in carrying out his duties, the judge must not enforce the intent and spirit of the law or must not act arbitrarily. [51, 52]

Laws, like norms in general, function to protect human interests, so they must be implemented or enforced. The law must be known by the public, spread widely, and must be clear. The clarity of the law is very important. Therefore, every law is always accompanied by an explanation that is contained in the Supplement to the State Gazette. Even though the name and meaning are explanatory, it often happens that the explanation does not provide clarity because it is simply stated "quite clear". This gives the judge the freedom to interpret the meaning of the law more widely by concrete events on the ground [48]

Euthanasia is a concrete problem in the field where the laws and regulations in Indonesia have not regulated its implementation and criminal acts for the performance of Euthanasia specifically. This creates a legal vacuum regarding concrete events in the form of Euthanasia. Therefore, it is appropriate that judges use other legal sources that can be used as a review or source in determining legal violations of the euthanasia act (in this case using the rules written in the Criminal Code).

Law about Euthanasia in Various Countries

Legal Norms on Euthanasia in Anglo Saxon Countries

Aggressive Euthanasia is declared illegal in many states in America; even the Act of Euthanasia is illegal. However, there are states in America whose penalties explicitly allow terminal patients (patients who can no longer be cured) to end their life is the state of Oregon, which in 1997 legalized the possibility of Euthanasia by enacting the law on proper death Aggressive Euthanasia is illegal in many states in America, even acts of Euthanasia are illegal, but there are states in America where the penalty explicitly allows terminal patients (the incurable patient) ended his life was the state of Oregon, which in 1997 legalized the possibility of Euthanasia by enacting the law on proper death. [53, 54]

In this Act, there are several weaknesses; this Euthanasia Law only concerns assisted suicide, not Euthanasia. The

conditions are strict enough that terminal patients aged 18 years and over may seek assistance for suicide if they are expected to die within six months. This wish must be submitted until the conditions are quite stringent, whereby terminal patients aged 18 years and over may ask for help with suicide, if they are expected to die within six months. This wish must be submitted up to 3 patients, of which two times orally (with a grace period of 15 days in between) and once in writing (attended by two witnesses where one of the witnesses was not may have family relations with the patient). The second doctor must confirm the diagnosis of the disease and the prognosis and ensure that the patient is not in a mental disorder. ^[53, 56]

The law must also strictly stipulate that a patient's decision to end his life must not affect his insurance, whether it be health, life or accident insurance or his old age savings. After fulfilling the above requirements, the patient has the right to prescribe drugs to end life. The law does not allow doctors or others to end a patient's life by lethal injection or active Euthanasia, meaning that the law authorizes doctors to prescribe lethal prescriptions but strictly rejects active Euthanasia. ^[53, 54]

The implementation of Euthanasia in countries that adhere to the legal system of continental Europe (Netherlands)

In the Netherlands, families can apply for Euthanasia if the patient's condition is severe and is very suffering from the disease. Besides, patients over 12 years of age can apply for suicidal assistance. What is meant by suicide accompaniment is a patient consciously asking for injection because of his severe condition. However, it should be emphasized that in the Dutch Criminal Code formally Euthanasia and assisted suicide are still maintained as criminal acts. Every doctor in the Netherlands is allowed to commit Euthanasia and will not be prosecuted in front of a court as long as he follows several established procedures. The procedure is to hold consultations with colleagues (not necessarily a specialist) and make a report by answering 50 questions. ^[57]

The approval of the Dutch Parliament on the proposal to legalize the activities of Dutch doctors to help patients with severe illness who chose to end their lives was obtained after a vote (voting). The support of 104 votes compared to the 40 votes that rejected it proved that the parliament took part in implementing the euthanasia law. ^[57]

Euthanasia has massive public support in the Netherlands, but there are concerns that this practice leads to abuse of the law. Euthanasia has not become a crime in the Netherlands, since 1984, when the Court of the Royal Medical Association developed strict guidelines for physicians. The amendment to the new law will remove any possibility that doctors will be required to perform Euthanasia with consent and consultation. ^[57]

The British Medical Journal study found that in 1995, nearly two-thirds of euthanasia cases, a doctor-assisted suicide went unreported. 17% of euthanasia cases occurred without the patient's explicit request. Dutch law requires unbearable suffering by patients to justify the use of Euthanasia. Still, more than half of doctors say that the main reason given by patients for this request is the loss of dignity. Almost half say they prevent further suffering. ^[57]

In the Netherlands, voluntary Euthanasia is legalized. The decriminalization of Euthanasia made the Netherlands the

first country in the world to officially "merciful kill". In the euthanasia law, the conditions for Euthanasia are, 6 (1) patients who are in a state of continuous, unbearable and incurable suffering; (2) a second opinion of an external doctor; (3) the patient must be physically healthy; (4) requests to die must be voluntary, independent and continuous; (5) the patient must be seriously ill with physical suffering; and (6). patients who are 12 years old require the consent of their parents ^[57, 59]

The doctor should not suggest that as an option, both verbal and written requests legitimize the doctor's acceptance of the request. However, the doctor is not obliged to do so, and the doctor can only agree to request while paying attention to treatment due to the requirements stated in the Act. In every case, the doctor must be sure that the patient is in the face of constant and unbearable suffering. If he believes that this is not the case, the doctor may agree to the euthanasia request regardless of whether it is legal or not. ^[59, 61]

It is important to note that Euthanasia and doctor-assisted suicide continue to be criminal offences, but are legal under certain circumstances. The Dutch Penal Code (in article 293) now includes this provision as it states that termination of life by request for suicide assistance is not required as a criminal offence if a doctor commits it and if the criteria for treatment are according to the procedure. therefore the view that Euthanasia is legalized and does not include crime in the legal provisions in the Netherlands. ^[58, 60]

Since late 1993, the Netherlands has legally mandated doctors to report all cases of assisted suicide. The judiciary will always judge the correctness of the procedure. In 2002, a 20-year-old convention was codified by Dutch law, whereby a Doctor who commits Euthanasia in a particular case will not be sentenced. With this law that came into effect, the Netherlands became the first country to legalize Euthanasia. This practice itself is often practised around the world, although technically it is still a criminal act. The lower house of the Dutch parliament approved this decision, under which the support of the senate is certain. ^[57, 8, 60]

The new law, which was proposed by the Minister of Justice and the Minister of Health, only applies to doctors, and not to people outside the medical profession who help in situations of suicidal patients. This euthanasia Act contains rules written by the Royal Dutch Medical Association. The rules stipulate that a patient's request to commit suicide must come from himself and be made multiple times. ^[57, 58, 60]

Meanwhile, the doctor who is in contact with the patient must feel sure that the patient is indeed facing unbearable and unstoppable suffering. The doctor must not propose suicide attempts as an option. These doctors must first seek a second medical opinion before helping a patient commit suicide. The doctors also had to state that the cause of death of the patient was Euthanasia or suicide. ^[57, 58, 60]

Doctors who have assisted in the euthanasia process will still be held responsible for their participation. However, because Euthanasia is no longer a crime, the doctor will not face the Court. The doctors will be presented with an informal panel of lawyers, medical experts and ethical experts. ^[57, 58, 60]

The Act of ending one's life in the Netherlands is too liberating and potentially dangerous. Several legal experts in the Netherlands revealed this. This country adheres to "active euthanasia" which means that legally a request from a competent person to end his life can be granted. According

to the Dutch Penal Codes Article 293, 294 euthanasia or "assisted suicide" activities are protected by law with the following guidelines set by the Rotterdam court in 1981: (a). The patient must be in a state of unbearable pain. (b). The patient must be conscious. (c). Requests to end life must be voluntary. (d). Patients should be given alternatives to Euthanasia and given time before Euthanasia begins. (e). There is no more logical solution that can be followed. (f). The patient's death does not cause unwanted suffering to others. (g). More than one person must be involved in making the euthanasia decision. (h). Only doctors can perform Euthanasia of patients. [57, 58, 60]

The implementation of Euthanasia in countries that adhere to the legal system of continental Europe (Indonesia)

In Indonesia, an attempt to file a request for Euthanasia occurred at the end of 2004, Mrs Agian submitted a request for Euthanasia at the South Jakarta District Court to end his wife's suffering, but the Court rejected the proposal. Euthanasia measures must meet medical requirements and not for socio-economic reasons. This limitation of nature is to prevent future euthanasia applications from being arbitrary.

So, Euthanasia is indeed prohibited in Indonesia, especially for active Euthanasia, the maximum sentence is 12 (twelve) years in prison. However, in practice, it is not easy to trap the many passive euthanasia perpetrators. Killing can be made legally. That is Euthanasia, legal murder which is still controversial. These legal killings also have various types. In general, death is a topic that the public is very afraid of. This does not happen in the world of medicine or health. In the context of modern health, death is not always something that comes suddenly. Death can be legalized into something definite and can be ascertained on the date of its occurrence. [62]

Euthanasia makes this possible. Euthanasia is the Act of ending an individual's life without pain when the action can be said to be an aid to alleviate the suffering of an individual who will end his life. When viewed from the way it is implemented, Euthanasia can be divided into three categories, namely aggressive Euthanasia, non-aggressive Euthanasia, and passive euthanasia. [2, 3, 63]

Passive euthanasia abuse can be done by medical personnel or by family members who want someone's death, for example, due to family hopelessness due to inability to bear the burden of medical expenses. In some cases, the patient's family is unable to pay for medical expenses; there will be a request from the hospital to make a "forced discharge statement". Despite eventually dying, the patient is expected to die naturally. The concept of Euthanasia in the Oxford English Dictionary is defined as "a gentle and comfortable death, performed primarily in cases of painful and incurable disease". A very popular term to describe this type of murder is mercy killing. Meanwhile, according to the Dorland Medical Dictionary, Euthanasia contains two meanings. (1). First, an easy or painless death. (2). Second, the generous killing, the deliberate and deliberate ending of the life of a person suffering from an incurable and very painful disease. [64, 65]

It should be noted that informal juridical terms in positive criminal law in Indonesia there is only one form of Euthanasia, namely Euthanasia which is carried out at the request of the patient/victim himself (voluntary Euthanasia)

as explicitly regulated in Article 344 of the Criminal Code. Article 344 of the Criminal Code explicitly states: "Anyone who takes the life of another person at the request of his person clearly stated with sincerity is punishable by a maximum imprisonment of twelve years". [44, 57, 66, 67]

Starting from the provisions of Article 344 of the Criminal Code, it can be concluded that even murder at the request of the victim is still punishable by the perpetrator. Thus, in the context of positive law in Indonesia, Euthanasia is still considered a prohibited act. Thus, in the context of positive law in Indonesia, it is impossible to do "terminating one's life" even at the request of that person. Such acts still qualify as a criminal act, namely as an act that is punishable by punishment for anyone who violates the prohibition. [44, 57, 66, 67]

Referring to the provisions above, there have been cases of requests for medical action to end the life that has recently emerged (the subject of Hasan Kesuma who proposed lethal injection for his wife, Mrs Agian and finally the case of Rudi Hartono who submitted the same thing for his wife, Siti Zuleha) needs to be scrutinized legally. Both of these cases are conceptually qualified as non-voluntary Euthanasia. Still, lawfully formal (in the Criminal Code) this case cannot be eligible as Euthanasia as stipulated in Article 344 of the Criminal Code. [67, 69]

The formal juridical qualification (the most likely) is ordinary murder as referred to in Article 338 of the Criminal Code or premeditated murder as referred to in Article 340 of the Criminal Code. In the provisions of Article 338 of the Criminal Code, it is explicitly stated, "Anyone who deliberately seizes the life of another person is threatened, because murder is punishable by a maximum imprisonment of fifteen years". Meanwhile, in the provisions of Article 340 of the Criminal Code, it is stated: "Anyone who deliberately and prematurely seizes the life of another person is threatened, because of premeditated murder, with the death penalty or life imprisonment or for a specified period of up to twenty years". [44, 57, 66, 67]

Apart from the two provisions above, other provisions can be used to ensnare the perpetrators of Euthanasia, namely the provisions of Article 356 (3) of the Criminal Code which also threatens "Persecution carried out by providing substances that are dangerous to life and health to eat or drink". Apart from that, it should also be noted that there are provisions in Chapter XV of the Criminal Code, especially Article 304 and Article 306 (2). In the provisions of Article 304 of the Criminal Code it is stated, "Anyone who deliberately places or leaves someone in a state of misery, even though according to the law that applies to him or because of his consent, he is obliged to provide life, care or maintenance to that person, shall be punished by a maximum imprisonment of two years and eight months or a maximum fine of three hundred rupiahs". [66, 68]

Meanwhile, in the provisions of Article 306 (2) of the Criminal Code states, "If it results in death, the act is subject to a maximum imprisonment of nine years". The last two provisions above confirm that in the context of positive law in Indonesia, leaving people who need help also qualifies as a criminal act. These last two articles also prohibit the occurrence of passive Euthanasia that often occurs in Indonesia. [66, 68]

Conclusion

All pillars of thinking both human rights, Religion, ethics

and law state that Euthanasia is a crime that should not be committed. Although there are no specific laws and regulations that regulate Euthanasia in Indonesia (for any reason), according to other legal sources, it is stated that Euthanasia is a criminal act both for requesting and for carrying out euthanasia activities. The interesting thing is that the Netherlands became the first country to legalize the euthanasia act but with quite strict regulations.

Conflict of Interest

The authors declared that they have no conflicts of interest.

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