

Research Article

EUTHANASIA IN INDONESIA CRIMINAL LAW AND HEALTH LAW

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ABSTRACT

The problem of euthanasia is part of the actions of a doctor who is treating his patient or asking for his help so that someone's illness can be cured. In terms of the law, there are no new and complete regulations regarding euthanasia, but because the euthanasia issue concerns the safety of the human soul, a legal basis must be sought. This study aims to find out about Euthanasia regulated in Indonesian Criminal Law and Health Law. For this reason, only Article 344 of the Criminal Code is used as a legal basis because it is considered close. The method used is a normative juridical method with a statutory approach. The results of the study show that in principle not everyone agrees with euthanasia, and the same goes for doctors. Some community groups have a starting point on the basis of religion, so everything is God's will. The arguments put forward by the doctors are in accordance with the Indonesian medical code of ethics which also reflects the attitudes or views of doctors in Indonesia regarding euthanasia.

Keywords: euthanasia; criminal law; health law.

INTRODUCTION

Even though the health industry had the impression of being exempt from the law, along with the growing public awareness of the need for legal protection, the health industry has often developed into a topic of criminal law in addition to causing civil disputes. There are two legal issues in the medical industry that are always present and occasionally mentioned.¹In fact, this medical issue—provocative abortion and euthanasia—can be called a classic issue. Hippocrates had cited these two issues in his oath.²

After biomedical science can develop methods for mechanical life extension/respirator technology, the problems towards the end of human life are also getting more troublesome and complicated. By using the respirator approach, the patient's death can be temporarily delayed. Therefore, it seems that the issue of death is only the result of simple calculations by biomedical technology. In fact, the idea of death is not only a medical or biological phenomenon, but also a social, cultural, and religious phenomenon that is followed by various ritual acts and is deeply ingrained in every civilization.³

When discussing euthanasia, the terms eu (good) and Thanatos (dead, corpse) are actually closely related to what is known as the patient's right to self-determination. One of the fundamental components of human rights is this right. Various advances in science and technology, especially in the field of medicine, have led to very dramatic and meaningful changes in the understanding of euthanasia.² In addition, the progress of people's way of thinking has developed new knowledge about these rights.

Referring to the issue of death when viewed from the point of view of how it occurs, the scientific community divides it into three categories: euthanasia, which refers to deaths that occur with or without the help of a doctor, dysthanasia, which refers to deaths that occur

unnaturally.⁴ Euthanasia is the third type of death that is starting to get attention and attention from the whole world, so it gets a lot of attention, but in this case the right to die is still not recognized.⁵ Human rights have been and continue to be a global concern, in accordance with the times. Moreover, human rights are fundamentally related to personal issues as well as global political, economic, social and cultural issues.⁶

The issue of the right to die arises because patients continue to experience pain; despite using the latest technology, pain cannot be completely eradicated. The patient, the patient's family, or the patient's family sometimes cannot tolerate it either ethically or financially because of this constant misery. Therefore, when a patient's life reaches a peak of excruciating suffering, it is possible that the patient or his family will want to stop. Removing the assistive devices installed by the treating doctor can end the patient's life, regardless of whether the action violates their human rights.⁷

The Indonesian Doctors Association (IDI) established in 1990 that if a person's brain stem no longer functions, then he dies. The Indonesian Doctors Association (IDI) uses this idea as an official declaration, and the criteria they use are based on the idea that the brainstem is where the controls for breathing and the heart are located. So that the new heart and lungs can function with the help of supporting tools when the brain stem has died.⁸ In 2001, the Netherlands became the first country in the world to legalize euthanasia. A year later, Belgium did the same. The application process for assisted suicide is being pulled out. Within a certain period of time, the candidate must see a psychologist for counseling. During the waiting period, the patient has plenty of time to reflect. A certificate certifying that the patient's condition is beyond improvement must then be obtained from at least two physicians, according to the application. The court will be asked

⁴Ubbe, A., "Final Report of the Team for the Study of Legal Issues in the Implementation of Euthanasia", (2000)

⁵M. Yusuf, Amir, *Medical ...*

⁶TS, K., "Right to Optimal Degree of Health as a Human Right in Indonesia", *Alumni* (2007)

⁷Petrus, K., "Euthanasia in a Human Rights ..."

⁸Suprapti, S.R., (2001) "Indonesian Medical Ethics", *Sarwono Prawirohardjo Library Development Foundation* (2001)

¹Hendrik, *Health Ethics and Law* (Jakarta: EGC Medical Book, 2010)

²M. Yusuf, Amir, *Medical Ethics and Health Law* (Jakarta: EGC Medical Book, 1999)

³Petrus, K., "Euthanasia in a Human Rights Perspective", *Media Pressindo* (2001)

to decide on the process once it is approved. Although there are three organizations that deal with such requests there, euthanasia is still prohibited in Switzerland. These organizations offer psychotherapy services and life-sustaining drugs. Only Japan allows voluntary euthanasia in Asia, thanks to the 1962 ruling by the High Court in the Yamaguchi Case. However, euthanasia never occurred again due to significant cultural considerations. The Death With Dignity Act was introduced in the United States in 1994. Since then, an additional 100 people have submitted requests for assisted suicide. The legality of euthanasia in America is still being debated. The South Jakarta District Court rejected Mrs. A to be euthanized towards the end of 2004 in an effort to relieve his wife's suffering. Is the repetition of the same case against Mrs. S is a hint that more and more people are turning to euthanasia to end the suffering of their loved ones?⁹ However, the euthanasia event never happened again due to significant cultural considerations. The Death With Dignity Act was introduced in the United States in 1994. Since then, an additional 100 people have submitted requests for assisted suicide. The legality of euthanasia in America is still being debated. The South Jakarta District Court rejected Mrs. A to be euthanized towards the end of 2004 in an effort to relieve his wife's suffering. Is the repetition of the same case against Mrs. S is a hint that more and more people are turning to euthanasia to end the suffering of their loved ones?⁹ However, the euthanasia event never happened again due to significant cultural considerations. The Death With Dignity Act was introduced in the United States in 1994. Since then, an additional 100 people have submitted requests for assisted suicide. The legality of euthanasia in America is still being debated. The South Jakarta District Court rejected Mrs. A to be euthanized towards the end of 2004 in an effort to relieve his wife's suffering. Is the repetition of the same case against Mrs. S is a hint that more and more people are turning to euthanasia to end the suffering of their loved ones?⁹ Since then, an additional 100 people have submitted requests for assistance with suicide. The legality of euthanasia in America is still being debated. The South Jakarta District Court rejected Mrs. A to be euthanized towards the end of 2004 in an effort to relieve his wife's suffering. Is the repetition of the same case against Mrs. S is a hint that more and more people are turning to euthanasia to end the life of their loved ones? suffer?¹⁰ Since then, an additional 100 people have submitted requests for assistance with suicide. The legality of euthanasia in America is still being debated. The South Jakarta District Court rejected Mrs. A to be euthanized towards the end of 2004 in an effort to relieve his wife's suffering. Is the repetition of the same case against Mrs. S is a hint that more and more people are turning to euthanasia to end the suffering of their loved ones?¹⁰ Is the repetition of the same case against Mrs. S is a hint that more and more people are turning to euthanasia to end the suffering of their loved ones?¹⁰

The Criminal Code (KUHP) refers to and warns the medical community that assisted suicide is an unlawful act that can lead to criminal prosecution. This is stated in Article 344 of the Criminal Code, which states that anyone who is found guilty of taking the soul of another person at a firm and sincere request shall be punished with imprisonment for a maximum of twelve years. Criminal law focuses on three main topics: those who commit illegal activities, those who do them, and those who are punished for doing them. These three main issues must be considered when studying the topic of euthanasia in criminal law.¹¹

In general, it can be said that a patient has to give his consent before a doctor can perform any procedure on them. According to some experts, even though the patient does not express consent in this way, it is still considered auto-euthanasia, which is basically passive euthanasia performed at the patient's choice.¹²

METHODS

To determine the applicable principles and define the meaning, the obligations of doctors towards patients according to the Criminal Code and the Health Law, as well as the subject matter of euthanasia being debated, this paper uses a normative juridical method in addition to a written law approach.

RESULTS OR DISCUSSION

Definition of Euthanasia

The Greek terms ethanatos, eu, and thanatos are the origins of the word euthanasia. Thanatos implies death, but Eu denotes beautiful, good, noble, or beautiful and dignified. Therefore, euthanasia can be understood etymologically as a good death. Euthanasia, according to the Roman writer Suetonius, implies quick death without suffering. The Euthanasia Study Group from KNMG Holland (Dutch Doctors Association) also provides a definition of euthanasia, which is defined as deliberately not taking any steps to shorten or end the patient's life and doing so only for the benefit of the patient.¹³

Since the 19th century, the term euthanasia has been used to refer to medically assisted pain avoidance and general recovery for patients nearing death.¹⁴ Three categories of vocabulary used in relation to euthanasia, namely: Narrow application. In a limited sense, euthanasia refers to the act of preventing pain and suffering in the face of impending death. In this context, euthanasia refers to: a. Wider use; B. Medical therapy is intended to end avoidable suffering provided it does not conflict with accepted legal, ethical, or customary standards. The term euthanasia is used more generally to describe medical interventions that aim to end pain and suffering but risk shortening life span; C. In its most general form, euthanasia refers to the act of reducing one's life, which is no longer seen as a negative side effect but as a means to relieve the suffering of the patient.

Science categorizes death into three categories based on how it occurs: orthothanasia, which refers to death caused by scientific processes; dysthanasia, which refers to death caused by unnatural means; and euthanasia, which refers to death caused with or without medical assistance. According to the medical lexicon, euthanasia is the intentional use of death or the peaceful and painless ending of life to stop suffering.¹⁵ According to this perspective, euthanasia is a measure of pain prevention that is more extreme than that experienced by someone who has an accident or contracting a disease. This method was chosen with the understanding that there is no other option to assist one in liberation from extreme suffering.

There are various theories about the nature of euthanasia, whether it is suicide or homicide, in the medical and legal literature. This problem arises because voluntary euthanasia is carried out at the will of the person who was killed or at the request of those who have strong reasons to do so.¹⁶

¹²Achadiat, C.M., *Dynamics of Medical Ethics & Law in the Challenges of the Age* (Jakarta; EGC Medical Book, 2007)

¹³Amelin, F., *Capita Selecta in Medical Law* (Graphicatama Jaya, 1991)

¹⁴Petrus, K., "Euthanasia in a Human Rights

¹⁵Gunawadi, J., "Medical Law

¹⁶Achadiat, C.M., *Dynamics of Medical Ethics & Law in the ...*

⁹Gunawadi, J., "Medical Law (Medical Law)", *Publishing Center of the Faculty of Medicine, University of Indonesia* (2010).

¹⁰Gunawadi, J., "Medical Law

¹¹Ubbe, A., "Final Report of the Team for the Study of Legal Issues

Euthanasia, as used in a medical context, is an aid to hasten a person's death in order to relieve the pain caused by his illness. A physician's primary responsibility is to restore health (and thus prevent death), so it is clear that while they hasten or at least unhinder the approach of death, they are trying to distinguish it from the idea of murder, which has a criminal element. Euthanasia, instead of accelerating a person's death until now, is contrary to the obligations of the medical profession and triggers debate among lawyers, theologians, and medical professionals who need to agree on a position on the issue of euthanasia.¹⁷

The term euthanasia has three different meanings in Indonesia, according to the Indonesian Code of Medical Ethics (Kodeki), as stated by Ibrahim (2007)¹⁸: a) moving to the hereafter in peace and safety, without suffering for those who believe in the name of Allah; b) when life ends, the suffering of the sick is alleviated by administering sedatives; and c) deliberately ending the suffering of someone who is sick at the request of the patient himself and his family. According to the definition of euthanasia given is any action taken to end the patient's life by freeing him from his suffering for the benefit of the patient himself, with careful consideration, and with the approval of various parties, including the patient, his family, and medical personnel who are experts in their fields.

TYPES OF EUTHANASIA

Muhammad (1992)¹⁹ states that there are five categories of euthanasia. These categories are:

- a. Passive euthanasia, which hastens death by refusing to give or receive ordinary assistance or by stopping ordinary assistance in progress;
- b. Active euthanasia, causing death through active action;
- c. Voluntary euthanasia, hastening death with the patient's permission or request.
- d. Nonvoluntary euthanasia, namely hastening death according to the wishes of the patient stated by or through a third party, or by government decision. Forced euthanasia, which hastens death without the patient's request or consent, is often referred to as mercy killing.

The following are several types of euthanasia that are deeply understood from the definitions mentioned above.^{19,20,21} Active euthanasia refers to taking active actions which directly or indirectly lead to death;

- a. Direct active euthanasia refers to when medical professionals voluntarily perform medical procedures to relieve a patient's suffering, such as injecting an excessive amount of morphine which causes the patient to die. The ultimate goal is to shorten or end the patient's life;
- b. Euthanasia is active directly (indirectly), where doctors or other health workers, without intending to shorten or end the patient's life, take medical action to relieve the patient's suffering while still being aware that there is a possibility that these actions can end the patient's life. For example, if a patient is very ill, they may give an appropriate dose of morphine by injection. Here, the main goal

is to relieve pain, while there is a possibility that it could shorten the patient's life;

- c. Voluntary euthanasia, which involves hastening death with the patient's consent or desire;
- d. Unintentional euthanasia hastens death according to the wishes of the patient, the wishes of a third party, or as determined by a government decision;
- e. The Action of Allowing Death to Occur, meaning that death can occur because the patient really and sincerely wants to die;
- f. Failure to Take Death Prevention Measures, meaning death occurs due to negligence or failure of a doctor in taking death prevention measures;
- g. Positive actions cause death, namely positive actions taken by doctors to hasten death;
- h. Passive euthanasia, in which doctors or other health professionals deliberately stop providing patients with medical care that could prolong their lives;
- i. Auto euthanasia, in which a patient knowingly refuses to receive medical treatment knowing that doing so will shorten or end the patient's life.

Active euthanasia is basically a practice that society disapproves of because it is seen as murderous and immoral. This is because euthanasia is carried out in a medical way to shorten the patient's life and hasten death. In this situation, doctors actively perform euthanasia by injecting people to die painlessly because they observe dying patients and don't want to see them suffer anymore.²² Active euthanasia, also known as euthanasia rels, occurs when a patient asks for and gives permission to stop or cancel treatment that is supposed to prolong his life.²³ Meanwhile, Lumerton JP divides euthanasia into many categories which are basically an affirmation of murder and suicide²⁴, namely:

- a. Allowing someone to die, especially when the patient no longer needs care and still has a chance to recover.
- b. Mercy death is murder committed in response to a patient's request to end his life.
- c. Mercy killing, namely the act of killing a patient through a medical decision to end his life, with or without the patient's consent or the voluntary participation of another party.
- d. Brain death is a term used in medicine to describe someone who has died because his brain was no longer able to control his heartbeat. Using the premise that there is no other sign that is more convincing than a malfunctioning brain, the results of a brain function diagnosis form the basis of the final assessment.

Based on this classification, the term euthanasia often refers to two separate types of activity, each with its own characteristics and assumptions. First, passive euthanasia, that is someone who is sick is allowed to go without getting proper treatment. When treating individuals with acute cancer who are thought to have intractable disease, for example, this treatment is done intentionally to hasten death. This action is also carried out using diagnostic tests and medical examinations. If euthanasia is performed on a patient who is medically determined to have no chance of recovery, the court must first grant its authority. The second method is active euthanasia, namely the act of killing which involves injecting or administering a lethal substance to someone to cause their death. This procedure is clearly trying to kill the patient instantly and painlessly. Assuming that

¹⁷Permono, KSH, Nurdini., *Euthanasia Viewed from Islamic Law and Positive Law (KUHP)* (Wali Demak Press, 2011)

¹⁸Ibrahim, A.F.M., "Euthanasia Cloning, Blood Transfusion, Organ Transplantation, and Animal Experimentation", *Porch of the Science of the Universe*, (2007)

¹⁹Muhammad, K., *Medical Technology and Its Challenges to Biotics*, (Gramedia Main Library., 1992)

²⁰Amelin, F., *Capita Selecta in Medical Law ...*

²¹Prakoso, D., Djaman, N.A., "Euthanasia Human Rights and Criminal Law", *Indonesian Ghalia*, (1994).

²²Mangara, A., Julianto, Lismawati, *Nursing Ethics: A Practical Book To Become A Professional Nurse* (Adab Publisher, 2021)

²³Wibowo, S., "Juridical Review of Euthanasia Actions in the Interconnection Perspective", *Journal of Law Caraka Justitia*, Vol 1, No. 2 (2021), Pp. 140 – 158

²⁴Soekanto, S., *Legal Aspects and Patient Obligations in the Health Legal Framework* (Forward Forward, 1990)

death is a last resort for ending pain and disease transmission, another aim of this measure is to speed up the process.

Euthanasia in Indonesian Criminal Law Regulations

Criminal law regulates violations and crimes against public interest legal standards.²⁵ The following statutory bodies and regulations, including the state, state institutions, state officials, and others, are included in the interests of law:

- a. For example, criminal acts, rebellion, demeaning treatment, and non-payment of taxes against civil servants who are carrying out their duties;
- b. Everyone's legal rights, such as life, body, liberty, honor, and property.

Euthanasia is not regulated specifically and completely (in the form of law) in Indonesia, according to existing laws and regulations.²⁶ However, because euthanasia is a controversial topic that affects the security and safety of human life, it is necessary to look for arrangements or things that are at least somewhat similar to euthanasia. ²⁷The Criminal Code, especially the articles that regulate offenses against human life, is the only one that can be used as a legal basis. Whoever takes the life of another person at the request of that person himself, which he stated clearly and enthusiastically, shall be punished with a maximum imprisonment of twelve years, according to Article 344 of the Criminal Code. Since it is this element that will determine whether or not the person who committed the crime can be punished under Article 344 of the Criminal Code, the statement of the request itself stated in earnest in this article must be stated clearly and seriously. Otherwise, the person would become the target of casual killing. The aspect of a strong and serious request must be demonstrated, either by the presence of witnesses or by other means of proof, so that this element is not misused in judging whether a person committed murder out of sympathy or not.

Crimes against the human soul can be divided into three categories based on the importance of the law violated and the purpose of the crime:

- a. Crimes against the human soul in general;
- b. Crimes against the souls of children who are or have just given birth;
- c. Crimes against the soul of a child who is still in the womb.

Crimes against the human soul can be divided into five categories:

- a. Intentional killing (doodslag),
- b. Premeditated murder (moord),
- c. Gequalificeerd doodslag,
- d. Murder committed at the very and firm request of the victim (article 344 of the Criminal Code), and
- e. Someone who intentionally encourages, assists, or facilitates murder (article 344 of the Criminal Code).

When doctors or other medical professionals deliberately withhold treatment from patients that could prolong their lives, this is known as passive euthanasia. Passive euthanasia is also divided into three categories to make it easier to understand:

- a. Passive euthanasia at the request of the patient is not punishable;
- b. Passive euthanasia without patient request is prohibited by Article 304 JO 306;
- c. Passive euthanasia without patient request is prohibited by Article 304 JO 359.

It can be seen from reading the provisions of the Criminal Code regarding offenses against human life that the legislators at that time (during the Dutch East Indies) considered human life as the most valuable treasure. Therefore, the state considers any act, regardless of its intent or nature, which endangers the security and safety of people as a serious crime.

It is a fact that Indonesian law guarantees the security and safety of human life regardless of religion, race, skin color, or philosophy. The passive euthanasia problem is similar. These articles lead to the conclusion that it is illegal to kill someone, even if the murder was committed against the will of the victim and with his permission. Euthanasia is still considered a prohibited act in Indonesia according to positive law. So, even at the request of an individual, ending someone's life is not allowed in Indonesia according to positive law.

Euthanasia in The Indonesian Health Law

Developments in science and technology, especially in the field of medicine, also have an impact on legal developments, particularly health legislation. Gezondheidsrecht, or medical law, has a wider application than medical law. Health law is a body of rules that apply civil law, criminal law, and general administrative law and are directly related to health care. Conversely, medical law is defined as a science that studies legal relations in which a doctor (executing the health profession) becomes one of the parties. ²⁸In light of the above views, it is also possible to claim that medical law is a subset of medical law, which has objective rules specifically relevant to health care in a broad sense that even include jurisprudential, scientific, and literary principles. On the other hand, medical law is limited to business agreements to which the doctor is a party.

The development of the definition of health began on March 2, 1982, with the issuance of the Decree of the Minister of Health of the Republic of Indonesia Number 99a/Men. Kes/SK/III/1982 concerning the National Health System, cannot be separated from the scope of the object of health law. Since then, the meaning of health includes not only physical well-being but also mental and social well-being. Likewise, the definition of Health in WHO guidelines, which is also regulated in Article 47 of Law Number 36 of 2009 concerning Health, includes comprehensive, integrated, and long-term preventive, curative, and rehabilitative promotive efforts.

Starting with the definition of health, it is clear that there are many types of health problems. Consequently, efforts to maintain health require a change in perspective. As a result of this reorientation, the government cannot manage health alone; on the contrary, society must play a role (private). In other words, the public (private sector) is welcome as collaborators in administering health. The provisions of Law Number 36 of 2009 concerning Health indicate that there are efforts to involve the public (private sector) in health management activities. This law is basically only one of the written regulations governing the health industry and does not yet represent the law in the industry.²⁹

²⁵Fadlian, A., "Criminal Liability in Theoretical Framework", *Journal of Positum Law*, Vol. 5, No. 2 (2020), Pp. 10 – 19

²⁶Warjiyati, S., "Implementation of Euthanasia in the Perspective of Scholars and Human Rights", *Al-Jinayah: Journal of Islamic Criminal Law*, Vol. 6, No. 1 (2020).

²⁷Atmadja, I.B.P., Purwani, S.P.M.E., "Legal Protection for Euthanasia Patients in terms of Law no. 8 of 1999 concerning Consumer Protection", *Actual Justice: Scientific Journal of Ngurah Rai University Postgraduate Master of Laws*, Vol. 3, No. 1 (2018), Pp. 50–58

²⁸Koeswadij, H.H., *Some Legal and Medical Issues*. (Aditya Bakti's picture, 1992)

²⁹Korowa, I., "Juridical Study of Euthanasia According to the Criminal Code", *Lex Crime*, Vol. VIII, No. 9 (2019), Pp. 69 – 76

Because a doctor (or other health workers who are included in the health profession requirements) is bound by the ethics contained in the oath of office pronounced when accepting office, Law Number 36 of 2009 concerning Health is examined as a basis for study and also the doctor's oath is used as a material study in discussing the issue of euthanasia in Indonesia. Euthanasia has been legalized in Australia and Singapore, but because it touches the culture of Indonesian society which has its own rules, it is still debatable according to Indonesian law.³⁰

Law and society cannot be separated because there are interests that continue to develop in society in response to progress, which leads to an increasingly complicated life. In this regard, in this case, it is necessary to regulate how one human being interacts with another human being. In such a society, the rules governing how a human being interacts with other human beings are referred to as laws, as long as the rules are made by a group of people in power. Rules are usually called habits if they are made by other people who feel their needs. An analysis of the legal framework in Indonesia, which of course also reflects the culture of the Indonesian people, is the basis for discussion of the existence of euthanasia in connection with regulations developed by a group of individuals who provide services. The Geneva Declaration, which stated that I will uphold human life from the moment of conception, even in the face of threat, and I will not use my medical knowledge contrary to humanitarian law, served as the basis for the international doctor's oath. The Indonesian Medical Code of Ethics (KODEKI) which came into force after the issuance of the Decree of the Minister of Health of the Republic of Indonesia concerning Confirmation of the Applicability of the Indonesian Medical Code of Ethics on October 23, 1969, was then updated and refined by Decree of the Minister of Health of the Republic of Indonesia No. 434/MENKES/SK/X/1983 dated 28 October 1983. Such a statement has been expressly stated in the KODEKI. It is stated in KODEKI Chapter II Article 9 that a doctor must always remember the obligation to preserve human life. So, a doctor has a responsibility to respect every human life, wherever they are, starting from conception. This can be taken to mean that no matter how sick a patient is, every doctor still tries to stay alive and safe, therefore doctors are limited by their oath of office as set forth in the Government Regulation of the Republic of Indonesia Year 1960 Number 26. This regulation is based on the Indonesian Code of Medical Ethics as a Code of Ethics Profession, which is information from the Decree of the Minister of Health of the Republic of Indonesia dated October 23, 1969, whose decision reflects the Indonesian Code of Medical Ethics.

It is clear that doctors and other health workers are prohibited from carrying out euthanasia based on the doctor's oath and the opinion of experts. They actually need to focus all their knowledge and skills on reducing suffering, maintaining life, and not ending it. Therefore, the Health Law does not specifically prohibit euthanasia; instead, it mandates that everyone participates in maintaining and improving the health status of individuals, families, and their environment through Article 5. Since Article 9 of the Law states that the government is responsible for improving the health status of the community, this requirement also applies to the government.

In terms of health law, especially Law Number 36 of 2009, it can be said that euthanasia is not subject to strict rules. From this description, it can be concluded that until now the act that resulted in the death of a person has not been recognized by law. For this reason, on May 5, 1980, the *Declaratio de Euthanasia SC Pro Doctrina Fidei* stated that no one may ask for a fatal act for himself or

another person entrusted with his responsibility. The professional code of ethics emphasizes the same thing, stating that no matter how strong the patient's desire to die is, doctors still cannot make active efforts to fulfill the patient's wishes, meaning that doctors are not justified in carrying out medical actions that intend to kill patients.

Article 344 of the Criminal Code which strongly opposes the practice of euthanasia in Indonesia is the legal basis for this situation. Consequently, it is important to consider and follow future scientific breakthroughs. So that the concept of the right to life cannot be separated arbitrarily from the right to die, death should not be considered as a separate function from the conception of life as a whole.³¹

DEVELOPMENT OF EUTHANASIA PRACTICES IN VARIOUS COUNTRIES

In some countries, such as the Netherlands, Belgium, the American State of Oregon, Colombia, and Switzerland, euthanasia is legal but in others, including Spain, Germany, Denmark, and Indonesia, it is illegal.

Euthanasia in the Netherlands

The Netherlands became the first country in the world to legalize euthanasia when a law permitting it was passed on April 10, 2001. The law became effective on April 1, 2002. Patients with chronic pain who are no longer candidates for treatment are granted the right to end their suffering. It is important to note that euthanasia and assisted suicide are still officially prohibited by the Dutch Criminal Code. In the Netherlands, doctors are required by law to disclose cases of assisted suicide or euthanasia. This requirement has been in effect since late 1993. It is always up to the courts to determine whether a procedure is correct. Dutch law codified the 20-year-old convention in 2002.³²

Euthanasia in Australia

Although this distinction was short-lived, Australia's Northern Territory was the first place in the world to have laws permitting assisted suicide and euthanasia. The Rights from Terminal Diseases Bill was passed into law in the Northern Territory in 1995. (The terminal patient's rights bill). The Australian Senate voted to repeal this new law in March 1997, so it had to be repealed after repeated use. Therefore, euthanasia is not permitted by Australian law.³²

Euthanasia in Belgium

Euthanasia became legal in Belgium in late September 2002. Euthanasia advocates claim that thousands of euthanasia procedures have been performed every year since they were legalized in this country, but they also criticize the complicated method of carrying out euthanasia, which they claim gives rise to an attempt to create bureaucracy. death. Belgium is now the third country to legalize euthanasia (after the Netherlands and the American state of Oregon). One of the bill's authors, Senator Philippe Mahoux of the socialist party, claims that a patient who suffers physically and psychologically has the right to choose whether or not to live and how long he or she will live.

³¹Korowa, I., "Juridical Study of Euthanasia According to the ...

³²Amiruddin, M., "Comparison of the Implementation of Euthanasia in Countries Adhering to the Continental European Legal System and the Anglo-Saxon Legal System", *Jurisprudentie : Department of Law, Faculty of Sharia and Law*, Vol. 4, No. 1 (2017), Pp. 83–102

³⁰Koeswadjji, H.H., *Some Legal and Medical Issues ...*

Euthanasia in America

Many American states prohibit aggressive euthanasia. Only Oregon, which legalized euthanasia in 1997 with the Death with Dignity Act, is currently the only American state that expressly allows terminal patients (those who are no longer expected to be cured) to end their lives. However, this rule only covers assisted suicide; euthanasia is not included.

Euthanasia in Switzerland

If the individual so desires, fatal treatment can be administered in Switzerland to both Swiss nationals and foreigners. In general, Article 115 of the Swiss Penal Code, which was written in 1937 and has been in effect since 1942, underlines that assisting suicide is an unlawful act if the motivation is entirely self-interest. Only drugs that can be used to end someone's life are classified as having a permit according to Article 115.

Euthanasia in England

The British College of Obstetricians and Gynecologists requested authorization from the Nuffield Council on Bioethics to euthanize newborns with disabilities on 5 November 2006. The proposal only makes a prudent request from the viewpoint of the potential survival of the infants, as validity to medical practice. This is not meant to legalize euthanasia in the UK.

CONCLUSION/CONCLUDING REMARKS

Article 344 of the Criminal Code, which regulates euthanasia in criminal law, prohibits active euthanasia, or the intention of doctors to hasten death. Because the patient has been in a vegetative state for quite a long time and cannot communicate, it is difficult to comply with the requirements of Article 344 of the Criminal Code, specifically, the requirement that the request be made at his own request. which is clearly stated with sincerity. A doctor must always remind us of the need to protect humans, emphasized Article 7 of the Indonesian Medical Code of Ethics. Therefore, euthanasia cannot be performed by medical personnel or doctors for any reason. because saving human souls rather than ending them is the primary responsibility of doctors.

Euthanasia is a practice that has various origins or justifications depending on the country, whether it is due to local laws or societal circumstances. What are the countries that allow euthanasia on the grounds that it meets certain criteria, such as considering the human aspect of suffering from a terminal illness, and can be requested by the patient, the patient's family, the patient's doctor, or the community? These countries did it in response to international pressure. The argument that euthanasia can be used to condone criminal suicide, especially by medical workers, is used by countries that refuse to legalize the practice; however, if the patient commits suicide, it is a crime.

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