

EUTHANASIA or ASSISTED SUICIDE

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Abstract

Problems related to the world of health often occur from year to year with various diseases or also related to complaints from the patient. Circulating in several countries related to the problem of assisted killing or called (euthanasia), is a problem that has not just occurred but has occurred for several years in several foreign countries, where the act of euthanasia has become a natural thing to do as for example in the Netherlands. The Dutch state itself has legalized euthanasia, even since 2001 the Dutch government has legalized and even various hospitals in the Netherlands itself have implemented it. Euthanasia is an unlawful act where patients are made to die in a system of quick treatment, but in applying euthanasia the hospital always consults first with the pi ...

Keywords : Euthanasia, Assisted Suicide

INTRODUCTION

The medical field divides the process of death into three ways, namely: first, orthothansia is the process of death that occurs due to scientific processes or naturally, such as the process of aging, disease and so on. Second, dysthanasia is a process of death that occurs unnaturally, such as murder, suicide and others. Third, euthanasia is a process of death that occurs due to the help of doctors.

Euthanasia or the third type of death mentioned above is a type of death that until now has caused a dilemma for medical workers, especially doctors because there is no legal provision. Because it is not uncommon for patients who suffer from severe illnesses and there is no hope of recovery anymore want doctors to euthanize themselves or patients who have been unconscious for months or even years so that their families cannot bear to see the suffering experienced by these patients so the family asks the doctor to do euthanasia. Whether it's by stopping treatment, giving drugs with excessive doses (overdose), and in various other ways.

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The issue of euthanasia has long been considered by some circles. The discussion of euthanasia is still being debated, especially when the issue is related to the question of determining whose right to die, and from what angle it is viewed. With this paper, we hope to express a comprehensive view of euthanasia according to 5 religions.

For example the "Case of Postma" in 1971, Geertruida Postma gave an injection to a patient i.e. her own mother, a lethal dose of morphine. The patient had a cerebral hemorrhage, was deaf, had speech difficulties and had to be tied to a chair so that he would not fall, the mother asked her son to end his life.³ Another case was Kasam, a firefighter from Ahmedabad, India, who fell down a flight of stairs while on firefighting duty. According to the doctor treating him, Kasam suffered an injury to his head along with multiple fractures to one of his ribs, had a heart attack and has been unconscious since he underwent surgery to fracture his bones. It has been more than 12 years since 1994 that he lay unconscious.

The cases mentioned above illustrate that there are diseases that are difficult to cure because the patient is in a prolonged coma, there are even patients who experience diseases that are no longer able to be handled by the patient, causing the patient to decide to ask for the end of his life because of the suffering he faces. This causes pity for others, especially if experienced by his family. Such conditions made his family wonder if the patient should not be helped to hasten his death and carried out "euthanasia" measures to escape his suffering. In this case, the problem of euthanasia is closely related to criminal law, so in view of its nature, euthanasia is included in the relationship between individuals and society or with the state (public law). That the law is generally used for the benefit of man himself. The law governs the relationship between people and others, and in addition helps ...

In order to be able to link euthanasia to criminal law issues, several criminal law terms were previously given, namely: 1. Criminal law in an objective sense (*Ius Poenale*). That is a number of regulations that contain prohibitions or imperatives in which violations are threatened with punishment. 2. Criminal law in the subjective sense (*Ius Poeniendi*). These are some regulations governing the right of the state to punish a person who commits a prohibited act.⁵ Not only does it relate to the criminal law but also to the code of medical ethics in which a doctor must aim to cure diseases and save his soul that has been bound by oath. In relation to the right to life and the

right to death, the problem faced is to have a close relationship in criminal law issues concerning Article 344 of the Criminal Code (KUHP). In this study the authors limited the scope of euthanasia d ...

Belgium Euthanasia or lethal injection has been legal in Belgium since 2002. Belgium allows euthanasia for those suffering from unbearable suffering and no prospect of a cure. If the patient is not seriously ill, there is a one-month waiting period before euthanasia can be performed. Belgium has no age limit for children, but they must have a critical illness to meet the approval criteria.

Luxembourg Luxembourg legalizes lethal injection or euthanasia for adults. The patient must have an incurable condition with constant and intolerable mental or physical suffering and no prospect of cure.

Colombia is the first Latin American country to decriminalize euthanasia. In July 2021, Colombia's Constitutional Court expanded the law on euthanasia to include cases of non-terminal illness "provided that the patient is in physical or psychological distress that ...

The Canadian Parliament in June 2016, amended the Canadian Penal Code to legalize physician-administered euthanasia (PAE) and physician-assisted suicide (PAS) and to regulate access to both procedures in Canada. The bill prohibits medically assisted death on the basis of mental illness, long-term disability, or any curable condition and does not make euthanasia available to minors. Bill C-7 amends the law so that it permits euthanasia for non-terminal illness or disability, and severe refractory mental illness. Some Canadian right-to-die activists have advocated for an extension of euthanasia for terminally ill disabled babies. Ostensibly to prevent suicide tourism, current Canadian law makes euthanasia only available to residents who qualify for Canadian health coverage Canada's euthanasia law includes several legal protections aimed at preventing

New Zealand legalized euthanasia, after a vote showed a majority of New Zealanders supported the practice. Euthanasia is a measure taken to end the life of a person who is seriously ill and cannot recover. New Zealand's Electoral Commission said the final result of the vote, legalising euthanasia had won 65.2 per cent support from New Zealanders. With time remaining, the Electoral Commission said, euthanasia is definitely legal. This makes New Zealand the seventh country in the world to legalize

euthanasia. This practice allows a patient suffering from severe illness to end his or her life, usually by lethal injection. However, the legalization of euthanasia will only take effect in November 2021, after regulations related to the practice have been discussed and passed.

In Colombia, the country's highest court has ruled that a doctor can help a patient suffering from a serious illness end their life by taking lethal drugs, without risking going to prison. Colombia already allows euthanasia, where the doctor is the one who administers the lethal drug to end the patient's life. Doctors can help a person suffering from serious suffering or serious illness to end their own life, acting within a constitutional framework. According to the International Foundation for the Right to Die with Dignity (DMD), the difference between euthanasia and medical suicide “is essentially who gives the medicine”. “In the case of euthanasia, it is health workers who administer the drugs that cause death. In the case of medical suicide, it is the patient who takes the suicide medication himself. Then, they reiterated that the court decision stipulated that medical suicide would only be allowed for people...

LITERATURE REVIEW

Definition of Euthanasia

The term euthanasia comes from the Greek “Euthanatos”. Eu means good, without suffering and Thanatos means death.

We can therefore conclude that euthanasia means dying well, or dying without suffering or dying quickly without suffering.

According to the legal dictionary, euthanasia is the painless loss of life to relieve the death of a person who has no possibility of recovery.

In the opinion of doctors, euthanasia involves intentionally not doing something to prolong a patient's life or deliberately doing something to shorten a patient's life or end a patient's life, and is practiced for its own benefit. The profession dictates that a doctor not perform an abortion (Abortus Provocatus), ending the life of a patient who, according to science and knowledge, has little chance of recovery (euthanasia).

Euthanasia in the Oxford English Dictionary is defined as “a gentle and comfortable death, practiced especially in cases of suffering and incurable illness.” A very popular term for this type of murder.

According to the Medical Dictionary, euthanasia has two meanings. First, an easy or painless death. Second, murder with generosity, that is, ending the life of a person suffering from an incurable and very painful illness in a careful and deliberate manner.

We can conclude that euthanasia is an action carried out intentionally or unintentionally to facilitate or mitigate the death of a patient whose recovery rate is low.

In order not to experience prolonged suffering or to prolong one's life and this is done for the benefit of the patient himself..

The elements of euthanasia are seen from some of the definitions above, including:

1. To do something or not to do something.
2. Ending the life, hastening death, or failing to prolong the life of the patient.
3. The patient suffers from an illness that is difficult to cure.
4. On request or without the patient or family.
5. For the good of the patient and his family.

RESEARCH METOHODS

The research method employed in the study involves a comprehensive literature review. This approach entails a systematic examination of existing scholarly works, articles, and relevant publications that explore the ethical, legal, medical, and societal dimensions of euthanasia or assisted suicide. By synthesizing information from diverse sources, the study aims to provide a nuanced understanding of the subject matter, shedding light on the various perspectives, controversies, and implications associated with end-of-life decisions. Through a rigorous analysis of the existing literature, the research seeks to contribute valuable insights to the ongoing discourse surrounding euthanasia and assisted suicide, fostering a more informed and nuanced dialogue on this complex and ethically charged topic.

RESULT AND DISCUSSION

Types of Euthanasia

Euthanasia can be divided into several types, according to where the point of view or way of looking at it.

1. Based on the way it is carried out, Euthanasia can be divided into:
 - a. Passive euthanasia

Passive euthanasia is the act of hastening the death of the patient by refusing to provide help such as stopping or revoking all treatment that supports the patient's life. This is obvious, because a patient who is undergoing treatment must be supported by drugs as one of the medical actions carried out by medical officers or doctors for the recovery of patients.

If the medical officer / doctor allows the patient to die or the patient refuses to be given help by the doctor by stopping the administration of drugs for the patient, such as stopping the breathing apparatus (respirator) then the patient automatically dies. The method carried out by the doctor is passive euthanasia.

b. Active euthanasia

Active euthanasia is an act committed intentionally medically through active intervention or action by a medical officer (doctor), aimed at ending the patient's life. Active euthanasia is deliberately performed to cause the patient to die, either by giving high doses of drugs (overdose) or injecting drugs with doses or other means that can result in death. Active euthanasia is further divided into direct active euthanasia and indirect active euthanasia.

1) Direct active euthanasia is the performance of directed medical procedures that are calculated to end the patient's life or shorten the patient's life. This type of euthanasia is commonly called 12 mercy killing. For example, doctors give injections of substances that can immediately kill the patient.

2) Indirect active euthanasia is a condition in which a doctor or medical personnel performs medical procedures not directly to end the patient's life, but knows there is a risk

3) which can shorten or end the patient's life. For example, depriving oxygen or other life support devices.

2. Reviewed from requests.

For patients whose hope of recovery is very small usually make a request to medical personnel to end their life so that the patient does not experience prolonged suffering. Based on this, Euthanasia can be divided into:

a. Euthanasia voluntir

Voluntary euthanasia is euthanasia performed by medical personnel based on the request of the patient himself. This request is made by the patient consciously

and repeatedly, without pressure from anyone. In other words, the patient wants to do euthanasia voluntarily because it is based on his own request and without any coercion from any party.

b. Euthanasia involuntir

This involuntary euthanasia is performed by medical personnel on patients who are already unconscious. Usually the request for euthanasia comes from a third party, namely the patient's family for various reasons, including: expensive treatment costs so that it can no longer be borne by the patient's family, pity for the patient's suffering, and several other reasons. According to Leenen there are several cases called pseudo-euthanasia or pseudo-euthanasia, which cannot be included in the prohibition of criminal law.

The four pseudo-euthanasias according to Leneen are:

1. Termination of medical treatment due to symptoms of brain stem death. The heart is still beating, blood circulation and breathing are still running, but there is no consciousness because the brain is one hundred percent dysfunctional, for example as a result of a heavy accident.
2. The patient refuses medical treatment or assistance to him.
3. The end of life due to emergencies due to unopposed power (force majeure).
4. Termination of known medical treatment/medication/assistance is useless

Regulation of Euthanasia in the Criminal Code

Until now, euthanasia is still a debate among the community, there are some people who argue that they agree to euthanasia because it is one of the human rights possessed by humans, because in addition to the right to live, every human being also has the right to determine when he wants to die, because it is part of the human rights owned by humans. Another case is the opinion of people who disagree with euthanasia because it is considered contrary to religious teachings and considered a violation of human rights. In Indonesia, which adheres to the ideology of Pancasila, where Pancasila as the nation's view of life values human rights, euthanasia is considered contrary to the Indonesian view of life. In addition to medical issues, euthanasia also concerns legal issues, especially criminal law in Indonesia. Euthanasia is closely related to the forbidden act of losing the life of a person I.

Definition of Murder and Legal Basis

In terms of Indonesian Criminal Law, crimes directed against the life of the person are contained in Book II Chapter XIX of the Criminal Code which consists of thirteen articles, namely Article 338 to Article 350 of the Criminal Code. From the regulation of criminal provisions regarding crimes directed against people's lives, there is a distinction between various crimes that people can commit against people's lives by giving these crimes in several types, namely:

1. The crime of intentionally eliminating the life of another person in the general sense of intentionally eliminating the life of a person who is not planned in advance (doodslag) regulated in Article 338 of the Criminal Code and the planned in advance (moord) regulated in Article 340 of the Criminal Code
2. The crime of intentionally eliminating the life of a newborn child by his own mother is regulated in Article 341 of the Criminal Code (kinderdoodslag) and Article 342 of the Criminal Code (kindermoord).
3. The crime of intentionally eliminating the life of another person at the express and earnest request of the person himself (Article 344 of the Criminal Code).
4. Crimes in the form of intentionally encouraging others to commit suicide or helping others commit suicide (Article 345 of the Criminal Code); and
5. The crime of intentionally aborting a woman or causing the unborn child to die. (Articles 346-349 of the Criminal Code).²⁴ Murder is defined as "an act that takes the life of another." This formulation is contained in Article 338 of the Criminal Code which reads, "Whoever intentionally deprives another person of his life shall be threatened with murder by.

Code of Medical Ethics

Historically, medical ethical norms have been used since there were people in society who had the task of treating sick people. Although unwritten, the oldest of these norms is the Hindu doctor's oath written in 1500 B.C., "Do not harm the sufferer who is being treated." ¹⁶ Hippocrates (460-377 BC) was a Greek physician credited with elevating medical science as a stand-alone science, independent of philosophy, therefore he is considered the Father of Medicine. His high awareness of the morals of the medical profession was expressed in the form of the Hippocratic oath which must be obeyed and practiced by his students.¹⁷ The pronunciation of the oath of Indonesian

doctors with Government Regulation Number 26 of 1960 is based on the Hippocratic Oath and the Geneva Declaration of the World Medical Association (WMA 1948) which was later corrected again in the 22nd session of The World Medical Association in Sydney (1968).

The Indonesian Code of Medical Ethics consists of four chapters. Chapter I is about general obligations, Chapter II is about doctors' obligations to patients, Chapter III is about doctors' obligations to colleagues, and Chapter IV is about doctors' obligations to themselves. In principle, the issue of euthanasia in the medical profession is also declared forbidden. This is due to the Indonesian Code of Medical Ethics and the oath of "Hippocrates" from doctors, which clearly and unequivocally states in Article 9 that, "A doctor must always remember the obligation to protect the life of human beings." 20 This Article

In the revision contained in the Decree of PB IDI No. 221 / PB / A.4 / 2002 dated April 19, 2002 concerning the Application of the Indonesian Code of Medical Ethics (changed to Article 7d). The issue of euthanasia has a long history. Overall, ancient Greek thinkers seemed to favor this concept of euthanasia, even though they opposed euthanasia. An exception, the ancient Greek physician or physician famous for his vow, namely: "I will not give a deadly drug just to please someone nor do I suggest anything that could cause the death of that person." 21 Hippocrates' oath meant that Hippocrates would not administer a lethal drug even if the patient requested it.

The deadly drug can be in the form of overdose drug administration or other medical actions that try to end the patient's life. Whatever the patient's circumstances, Hippocrates refused active euthanasia. He preferred to give an explanation to his patient to understand the reality he was facing, namely the moment at the time of his death.²² Thus, according to Hippocrates, active euthanasia was forbidden. As for diseases that cannot be cured, it is better to do passive euthanasia than to continue to try to do medical actions that are actually no longer useful, or rather than giving deadly drugs (active euthanasia).

How Euthanasia Guides International Law

The conception of human rights in international law assumes that individuals should be recognized as subjects of international law and this was the first step of great work when the UN General Assembly ratified the Universal Declaration of Human

Rights. The right to health care is one of the fundamental rights possessed by every human being in addition to the right to life and other basic rights. This right to health care is also often associated with the right to self-determination which is the personal right of each human being so that in health care patients have several rights to determine which is best for themselves and this right is also used as a basis for carrying out euthanasia for some people who want it done. Although the right to self-determination should not necessarily be arbitrarily used by everyone who lives because of one's life and death; ah arranged by Allah Almighty as a creator ...

- a. Obtain legal protection while carrying out duties in accordance with professional standards and standard operational procedures.
- b. Provide medical services according to professional standards and standard operational procedures
- c. Obtain complete and honest information from patients or their families
- d. Receive service rewards

Article 51 explains that "doctors or dentists in practicing medicine have obligations:

- a. Provide medical services in accordance with professional standards and standard operational procedures as well as patients' medical needs
- b. Refer patients to other doctors or dentists who have better skills or abilities, let alone are unable to perform an examination or treatment
- c. Keep everything he knows about the patient a secret, even after the patient dies
- d. Perform emergency assistance on humanitarian grounds, unless he believes someone else is on duty and able to do so, and
- e. Increase knowledge and follow the development of medical science or dentistry

Euthanasia from an Islamic perspective

In Islamic fiqh, euthanasia is termed qatl ar-rahmah (killing out of pity) or taisir al-maut (facilitating death).

The following is the MUI's fatwa regarding Euthanasia, namely:

- a. According to Islamic teachings, the law of Euthanasia is haram, because the right to animate and kill humans is only in the hands of Allah Almighty. As stated in Sura Ali Imran verse 156: "God turns on and off. And God sees what you do." [QS. Ali Imran, 3 : 156"]

- b. Euthanasia is an act of suicide forbidden by Allah Almighty as it has been said in Sura an-Nisa', verse 29: "And do not kill yourself; verily God is merciful to you." [An-Nisa', 4:29]. So also He says in Sura al-An'am, verse 151: "And do not kill the soul that Allah forbids (kill it) but with something (cause) that is right". [QS. Al-An'am :151
- c. A person who deliberately commits suicide, even by means of euthanasia, will forever be a resident of the hell of Jahanam. As stated by the Prophet SAW in the hadith narrated by Imam Bukhari from the companions of Abu Hurairah (r) as follows: "Whoever deliberately falls from the mountain to commit suicide and dies, will be placed in the hell of Jahannam forever in a state of constant self-fall. Whoever deliberately chushes poison to commit suicide and then dies, will be placed in the hell of Jahannam forever in a state of drinking poison. And whoever deliberately commits suicide with iron and dies, will be placed in the hell of Jahannam forever in a state of pain because he thrusts iron into his own body".

Euthanasia from a Catholic perspective

On the part of the Catholic Church, through the encyclical "Mystici Corporis" Pope Pius XII denounced the murder of Jews "eugenic euthanasia" by Nazi Germany during World War II as an act of violence against God. From the beginning the Church has condemned this act of suicide or euthanasia. One of the figures was Father Hermas (140-55). St. Justin Martyr and St. Augustine also firmly rejected this euthanasia, because against God's life-giving love, man belongs to God as a whole. In this day and age through Pope John Paul II's encyclical "Evangelium Vitae" in 1995, the Church reaffirmed the importance of defending human life that has been damaged by man himself through the act of euthanasia. Therefore, the Church categorically rejects this euthanasia. According to the Congregation for the Sacred Doctrine of the Faith issued on May 5, 1980, several forms of euthanasia are known:

a. Active or Positive Euthanasia

Medical acts or the administration of drugs to hasten the death of a person and are morally tantamount to murder. Differentiated into direct and indirect active/positive euthanasia.

1) *Direct active/positive euthanasia**

This direct active/positive euthanasia is distinguished again, namely by the patient's will (Voluntary Active Euthanasia) and without the patient's will (Involuntary Active Euthanasia).

2) *Indirect active/positive euthanasia*

Medical action with the aim of reducing pain with side effects that can accelerate the process of death.

3) *Passive or Negative Euthanasia*

Measures to stop medical activities that help patients survive for a certain period of time. This action is still justified insofar as it is an extraordinary measure and is arranged according to the patient's circumstances. In general circles, passive euthanasia is no longer used, replaced by the term Letting Die, which is an effort to give patients the opportunity to make their choices in dealing with their pain.

Through the declaration on euthanasia on May 5, 1980, the Congregation for the Doctrine of the Faith invites people to pay attention to human life. Human life is very valuable. People must not arbitrarily deprive people of their lives.

The declaration provides firm foundations for euthanasia and teaches that active euthanasia is immediately firmly rejected as tantamount to murder.

Euthanasia from the perspective of Protestant Christianity

The Protestant Church consists of various denominations which have different approaches to euthanasia and the people who assist in euthanasia. The United Methodist church in its teaching book states that: "the use of medical technology to prolong the life of terminal patients requires a justifiable decision about how long the life support equipment can actually support the patient's life chance, and when the final limit of the life expectancy is". The Lutheran Church in America classifies artificial nutrition and hydration as medical treatments that are not fundamental. In cases where such medical treatment becomes futile and burdensome, moral responsibility can be stopped or cancelled and allow death to occur..

Euthanasia from the perspective of Buddhism

From a Buddhist point of view, euthanasia should not be carried out because it is a murder that causes bad karma. Buddhism responds to the issue of euthanasia between

agreeing and disagreeing. The reason euthanasia should not be done is that we as Buddhists should not kill, there is a possibility of cure for people who are suffering from illness or who are in a coma. We must take care of our families who are severely ill or in a coma. For example, a sick person who wants to be euthanized because he can't stand the pain he suffers, then we as his family do not allow it because it is suicide. For example, people So euthanasia adds to his own bad karma because he told someone to kill and he committed suicide.

Euthanasia in Hindu Perspective

Hinduism's view of euthanasia is based on the teachings of karma, moksa and ahimsa. Karma is a pure consequence of all kinds of wills and intentions, good and bad, born or inwardly with thoughts, words or actions. As a continuous accumulation of bad "karma" is a hindrance to "moksa" i.e. freedom from the cycle of reincarnation which is a primary goal of Hindus. Ahimsa is the principle of "nonviolence" or abstaining from hurting anyone. Suicide is forbidden in Hinduism with the idea that it can be a disturbing factor at the time of reincarnation because it produces bad "karma". Human life is a very valuable opportunity to reach a better level in life again. According to Hindu belief, when a person commits suicide,..

CONCLUSION

The regulation of the issue of euthanasia in Indonesia is contained in Article 344 of the Criminal Code. This article prohibits active euthanasia, which is a positive action by a doctor to hasten death. To be able to fulfill the elements contained in Article 344 of the Criminal Code is not easy because the element "at one's own request, which is clearly stated with sincerity" with the condition of the patient who is in a persistent vegetative state, so that he cannot communicate. Meanwhile, according to the Indonesian Code of Medical Ethics in Article 7 which reads, "A doctor must always remember the obligation to protect human beings." So whatever the reason, doctors and medical experts should not perform euthanasia. Because the main task of doctors is to save human life and not to end it :

1. Euthanasia is a high-quality sport, a high-quality and dignified euthanasia, a high-quality and dignified euthanasia. Jadi secara etimologis, euthanasia dapat diartikan sebagai mati dengan baik. Euthanasia and euthanasia are pregnant women, women who have been killed and who have been killed by people.

2. Euthanasia is a way to find a place in private life and get out of it

SUGGESTION

It is possible to obtain information on water quality and environmental and environmental protection.

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