



EUTHANASIA AS A PATIENT'S RIGHT

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INTRODUCTION

Death is inevitable thing, every one of us one day will be dead, there is no doubt about it, there is no way out, nobody can scape. It doesn't just happen to human beings, it happens with animals, plants, it happens to every living being, it's the cycle of life to be born, to grow, to get older and finally die. So, what's so wrong about euthanasia? Or what's so right about euthanasia? We may not have the best answer for them, but we may have an idea about this phenomenon.

According to the Australian Human Rights Commission (2016, p. 3, Author's Griffin),

The word 'euthanasia' is derived from the Greek word euthanatos meaning 'easy death'. Generally it is used to describe the process of intentionally terminating a person's life to reduce their pain and suffering. Euthanasia is sought not only by those suffering excruciating pain, but for other reasons such as changes in quality of life resulting from catastrophic physical injury and psychological factors associated with incurable diseases.

According to Sloan (2014, p. 5), "[...] euthanasia is the act of deliberately ending the life of another person by non-violent means [...]."

Generally, the patient gives his consent to a physician who then is responsible to do a determined sort of procedure that will end the life of the patient, this is most known as voluntary euthanasia. However, at the other hand, we might have a different situation where, if for instance, the patient unconscious or unable to communicate and therefore he can't express his desires. In this case, a family member or somebody else who may be involved with

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the patient or when authorized by the law for taking the patient's decisions would be able to come over and take the decision of letting the procedure be done for the individual to die. The final decision can also be based on the previously expressed decision of the patient stated in an advanced healthcare directive. This second case is called non-voluntary euthanasia.

METHODOLOGY

This article arises from a bibliography analysis through books written by reputable authors over the subject and all sorts of material and instruments available on the Internet as well. Its goal is to debate the euthanasia issue on our modern society with the emphasis to the legal aspects.

RESULTS AND DISCUSSION

The supporters of euthanasia declare that “[...] the state does not own the responsibility of promoting, protecting and fulfilling the socio-economic rights such as right to food, right to water, right to education and right to health care, which are basic essential ingredients of right to life.” (MATH; CHATURVEDI, 2012, n.p.).

By this context, Christiaan Barnard quoted by Stone (1999, p. 76) says that: “I believe often that death is good medical treatment because it can achieve what all the medical advances and technology cannot achieve today, and that is stop the suffering of the patient.”

Another argument frequently used by the authors who support the euthanasia is over the fact that is widespread recognized around the world the right to refuse medical treatment that sustains or prolong life. Thus, “[...] For example, a patient suffering from blood cancer can refuse treatment or deny feeds through nasogastric tube. Recognition of right to refuse treatment gives a way for passive euthanasia [...]” (MATH; CHATURVEDI, 2012, n.p.).

According to Shala and Gusha (2016, p. 79),

A strong argument in support of euthanasia is that a decision to end life is fundamental to human dignity, personal autonomy and safety, concepts that are protected by various international instruments of human rights. Although the right to liberty and security of person is given a limited interpretation and has so far been limited to freedom from arbitrary detention, the notions of personal autonomy may affect the future development of human jurisprudence around.



Meanwhile, at the other hand, there are contrary arguments against euthanasia and they have different interpretations about the issue. Let's see one by one all the main arguments against euthanasia.

By the religious understanding, nobody has the right to die because life in itself is considered to be something sacred/holy, in other words, it's a gift from God and so it has to be preserved as much as possible and just God has the power and authority to take the people's lives. Other groups often state that "[...] individuals don't get to decide when and how they are born, therefore, they should not be allowed to decide how and when they die [...]" (IRISH COUNCIL FOR BIOETHICS, 2017, n.p.).

Many of the opposers frequently argue that in order to have a right to die we first have to consider the right to life. So, the State has to focus primarily its efforts to protect life as well as providing care to the patients. Therefore, by this understanding, "[...] If euthanasia is legalized, then there is a grave apprehension that the State may refuse to invest in health (working towards Right to life) [...]" (MATH; CHATURVEDI, 2012, n.p.). A classical example of it would be the palliative care for those patients who are struggle with cancer, in this aspect if euthanasia would be legalized then those people couldn't have access to a really good treatment because the investments would be bigger when compared with euthanasia. So the State wouldn't spend too much money on the treatment assuming that euthanasia is much cheaper than that.

Besides, research has revealed that "the desire for death in terminally ill patients is closely associated with clinical depression--a potentially treatable condition--and can also decrease over time [...]" (HM et al., 1995, n.p.). This is one of the points that explains why euthanasia has to be legalized in order to difficult the access for depressed or suicidal individuals ending their lives through euthanasia.

CONCLUSION

As we've observed in this study, the term euthanasia came from the Greek language which literally means good death. Therefore, it refers to the idea of a death without pain or suffering. Thus, the suffering of an individual who is in a situation of pain is reduced considerable. Besides, we could also realize that this question involves moral and ethical



principles. It might be understood that euthanasia is closely linked to the field of bioethics and law.

On the other hand, there are those people who want to free themselves from their suffering and they are in favor of euthanasia. At the other hand, those people who are against euthanasia at any hypotheses. Thus, the center of the discussion is always human existence. In any case, this whole debate is intrinsically linked to the issue of human dignity. So the State as well as the law must balance each specific case according to its necessities.

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