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Normative Approach to the Prohibition of Euthanasia in Indonesian Law and Islamic Law

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Abstract

Euthanasia is an issue in bioethics that remains debatable between medical ethics, human rights, and religious principles. In Indonesia, the lack of explicit regulation and the strong influence of moral and religious values create legal ambiguity and ethical uncertainty for healthcare providers. This study examines the normative foundations of euthanasia prohibition in Indonesian positive law and Islamic law, highlighting their shared commitment to the sanctity of life but differing philosophical bases. Indonesian law, rooted in constitutional and criminal provisions, treats euthanasia as an unlawful act, while Islamic law prohibits it on theological grounds, allowing limited withdrawal of treatment under strict conditions. The study underscores the need for a coherent national framework that harmonizes constitutional, ethical, and religious values to guide future health law and bioethics policy in Indonesia.

A. Introduction

Technological advances in medicine have introduced innovations aimed at preserving human life. However, these developments also raise complex ethical and legal dilemmas, particularly regarding interventions that prolong or end life. One contentious issue is euthanasia. Derived from the Greek words *eu* (good) and *thanatos* (death), euthanasia literally means "good death" and refers to deliberate medical actions to end a person's life to prevent prolonged suffering from incurable illness.[1]

Euthanasia sparks widespread debate across medical, legal, and religious circles. Supporters view it as an act of empathy that respects patient suffering, while opponents argue it violates the inherent right to life. Medical professionals often face moral and psychological pressures when treating critically ill patients, and a lack of understanding of Islamic perspectives on euthanasia can lead to ethically and legally problematic decisions.

[1] Poerbowati, Gendrayani. "Legalitas Euthanasia dari Segi Medis dan Hukum Positif di Indonesia." *Novum: Jurnal Hukum* 3, no. 4 (2022): 1–15. https://doi.org/10.2674/novum.v3i4.18193.

In health law, euthanasia raises questions about the limits of medical responsibility, patient rights, and the principles of non-maleficence and beneficence. The debate is particularly complex in jurisdictions without clear legal guidance. In Indonesia, Law No. 17 of 2023, amending Law No. 36 of 2009, strengthens protections for patients' right to life and clarifies the limits of health workers' responsibilities, explicitly prohibiting euthanasia. Both active and passive life-ending actions are considered criminal offenses under the Indonesian Criminal Code (*KUHP*).[2]

For the majority-Muslim population, Islamic values strongly inform the debate. Islam regards life as a sacred trust from Allah SWT, and ending life intentionally is generally prohibited except under strict Sharia-defined circumstances.[3] This perspective underscores the importance of a normative approach to studying euthanasia, examining both the legal framework in Indonesia and Islamic texts, including the Qur'an, Hadith, and scholarly interpretations (*ushul fiqh*).

The prohibition of euthanasia thus has theological, ethical, and legal dimensions. Islam, as a faith that guides human conduct comprehensively, provides principles that inform both worship and critical medical decisions, emphasizing the protection of life even in cases of severe suffering.[4]

Previous studies on euthanasia have largely focused on its legal status in secular Western contexts, emphasizing the tension between individual autonomy and the state's duty to preserve life. Research in countries such as the Netherlands and Belgium demonstrates how legal systems can accommodate euthanasia under strict conditions, often justified through human rights principles[5][6]. Whereas, limited scholarship has examined euthanasia from the perspective of Islamic legal traditions or explored how these normative prohibitions integrate into national legal frameworks such as the one in Indonesia.[7]

Existing studies that address euthanasia in Islamic law or within Indonesian medical ethics tend to lack a comprehensive normative comparison between Islamic jurisprudence and Indonesia's positive law[8].This gap is particularly significant given Indonesia's pluralistic legal system, which synthesizes civil law, customary law (*adat*), and religious norms, especially Islamic law for its Muslim-majority population. The absence of explicit euthanasia legislation in Indonesia creates legal ambiguity, compounded by differing interpretations among legal scholars and religious authorities. Although the Indonesian Penal Code criminalizes acts leading to death, it does not explicitly regulate medical end-of-life decisions, leaving a normative vacuum in practice.

Nevertheless, Indonesia's prohibition of euthanasia aligns with the constitutional principle of protecting the right to life, as enshrined in Article 28A of the 1945 Constitution, which guarantees every person the right to live and preserve their existence.[9] This reflects the state's

[2] Safrima, Intana Aji, Asiya Chaniatuttazkiya, dan Sza Sza Al Zahwa Noor Sandaga. "Euthanasia Dipandang Berdasarkan Perspektif Hukum Islam dan Kode Etik Kedokteran Indonesia (KODEKI)." *Ikhlas: Jurnal Ilmiah Pendidikan Islam* 1, no. 4 (2021): 45–62. https://doi.org/10.61132/ikhlas.v1i4.153.

[3] Ardiansyah, Lintang, et al. "Analisis Tindakan Eutanasia dalam Perspektif Hukum Islam dan Kode Etik Kedokteran Indonesia." *Hukum Inovatif: Jurnal Ilmu Hukum Sosial dan Humaniora* 1, no. 3 (2023): 150–165. https://doi.org/10.62383/humif.v1i3.318.

[4] Shilvirichiyanti, S., R. Rivandi, R. Rismahayani, I. Iryanti, dan Y. Sepridawati. "Euthanasia dalam Perspektif Hak Asasi Manusia dan Hukum Islam." *Jurnal Review Pendidikan dan Pengajaran* 7, no. 3 (2024): 66–72. https://doi.org/10.31004/jrpp.v7i3.29142.

[5] Raus K, Sterckx S, Mortier F. Euthanasia and palliative sedation: why we should not confuse the two. Eur J Health Law. 2021;18(2):163–75.

[6] Lewis P. The empirical slippery slope from voluntary to non-voluntary euthanasia. J Law Med Ethics. 2017;35(1):197–210.

[7] Sachedina A. End-of-life: The Islamic view. Lancet. 2016;366(9487):774–9.

[8] Setiawan D. Legal perspectives on euthanasia in Indonesia: between criminal law and medical ethics. Indones J Crim Law. 2018;2(1):45–58.

[9] Wijaya, I Gede Agus Pande, dan I Gusti Ngurah Parwata. "Hukuman Mati dan Euthanasia dalam Perspektif Hak Asasi Manusia dan Peraturan Perundang-Undangan." *Kertha Negara: Journal Ilmu Hukum* 12 (2023): 1–20.

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commitment to upholding life as a fundamental human right. In contrast to several Western countries, Muslim-majority nations, including Indonesia, continue to reject it as incompatible with religious and legal principles.

Despite the prohibition, public discourse on euthanasia has begun to emerge among Indonesian academics, legal practitioners, and medical professionals, highlighting the need for clear guidance rooted in both national law and Islamic principles. The urgency of this discussion is intensified by developments in bioethics, growing awareness of patient rights, and the increasing prevalence of terminal illnesses that place healthcare professionals in ethically complex situations. Without a coherent normative framework, euthanasia-related decisions risk breaching either legal obligations or religious doctrine, undermining public trust in the justice and healthcare systems. As Indonesia navigates the balance between modernization and tradition, a normative legal analysis is essential to reconcile universal human rights discourse with local moral and religious values.

Based on the above background, this study seeks to address three main questions: (1) how euthanasia is defined and practiced from a medical perspective and its relevance to Indonesia's legal framework; (2) how Indonesian positive law and Islamic law regulate and prohibit euthanasia within the framework of human rights theory and natural law theory; and (3) what fundamental similarities and differences exist between the two legal systems, and how these may influence future national legal policy.

This study uses a normative juridical research method, focusing on the systematic analysis of legal norms that regulate the prohibition of euthanasia in Indonesian and Islamic law.[10] Normative legal research examines legal doctrine to develop arguments, concepts, and principles based on legislation, judicial decisions, and authoritative texts. It does not involve empirical data but analyzes law in its prescriptive form.

The research is descriptive-analytical, aiming to present an accurate picture of legal norms and doctrines related to euthanasia. Primary legal materials include the Indonesian Penal Code (*KUHP*), Law No. 36 of 2009 on Health, and core sources of Islamic law such as the Qur'an, Hadith, and classical *fiqh* literature. Judicial decisions and fatwas issued by the Indonesian Council of Ulama (*Majelis Ulama Indonesia*) are also examined, especially those concerning medical ethics and end-of-life decisions.

Secondary legal materials consist of academic works and references that support the interpretation of primary sources, including textbooks on health, criminal, and Islamic law; national and international journal articles; research reports; theses; dissertations; and international instruments such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and relevant World Health Organization (WHO) declarations. Tertiary materials such as legal dictionaries and encyclopedias are used to ensure conceptual clarity[11].

The study applies three approaches: the statute approach, which analyzes relevant legislation; the conceptual approach, which examines legal doctrines and theories; and the comparative approach, which evaluates the normative foundations and reasoning of Islamic and Indonesian legal systems. Data are collected through literature review and analyzed qualitatively to interpret legal texts, identify underlying principles, and compare the treatment of euthanasia in both legal systems with attention to coherence, consistency, and the principle of the sanctity of life.[12]

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[10] Marzuki PM. *Penelitian Hukum*. Jakarta: Kencana; 2017.p32
[11] Marzuki PM. *Penelitian Hukum*. Jakarta: Kencana; 2017.p53
[12] Nurhayati, Yati, Ifrani, dan M. Yasir Said. "Metodologi Normatif dan Empiris dalam Perspektif Ilmu Hukum." *Jurnal Penegakan Hukum Indonesia* 2, no. 1 (Februari 2021): 1–20. https://doi.org/10.51749/jphi.v2i1.14

B. Discussion

1. The Definition and Practice of Euthanasia from a Medical Perspective and Its Relevance to the Legal Framework in Indonesia

The term euthanasia originates from the Greek words *eu* (good) and *thanatos* (death), literally meaning "good death" or "peaceful death." In medical practice, euthanasia refers to the intentional act of ending a person's life, typically motivated by compassion, to relieve prolonged suffering from an incurable illness. Medically, it is regarded as a final intervention aimed at alleviating unbearable pain. This act involves doctors or healthcare workers who assist in ending a patient's life, either directly or indirectly. [13]

Globally, the legal status of euthanasia varies. Some countries have legalized it under strict conditions, while others, including Indonesia, continue to prohibit it as a violation of medical ethics and criminal law. Understanding its classification is essential to analyzing its legal and ethical implications.

Euthanasia is generally divided into two main types: active and passive. Active euthanasia involves deliberate actions such as administering a lethal injection or high-dose medication to cause death. This form is commonly treated as a criminal offense, even when performed at the patient's request. Passive euthanasia, on the other hand, involves withholding or withdrawing life-sustaining treatments, such as stopping ventilator support, discontinuing medication, or withholding artificial nutrition and hydration, thereby allowing the patient to die naturally.

Euthanasia can also be categorized based on patient consent into voluntary, non-voluntary, and involuntary forms. Voluntary euthanasia occurs at the explicit request of a competent patient who fully understands the consequences. Non-voluntary euthanasia is performed when the patient cannot consent, such as in cases of coma or severe cognitive impairment, with decisions often made by family members or guardians, raising significant ethical and legal concerns. Involuntary euthanasia, conducted against the patient's expressed will, is universally condemned as a form of homicide and a violation of human rights.

In medical practice, euthanasia is often compared to assisted suicide. Assisted suicide occurs when a patient voluntarily ends their own life with the assistance of a physician who provides the means or information necessary to do so. The distinction between active euthanasia and assisted suicide is crucial in legal discussions. Several countries, including the Netherlands, Belgium, and Canada, have legalized both practices under strict conditions, regulating eligibility, procedures, and the role of medical professionals.

On the other side, Indonesia prohibits and criminalizes both euthanasia and assisted suicide. Under the Indonesian Criminal Code, active euthanasia is classified as murder. Passive euthanasia, particularly in medical contexts involving "do not resuscitate" (DNR) orders, remains legally ambiguous since it is not explicitly regulated, but must still comply with professional ethics and medical prudence.[14]

From an ethical standpoint, euthanasia presents a conflict between two fundamental principles: patient autonomy and non-maleficence. The principle of autonomy upholds a patient's right to make decisions regarding their own life and treatment, while non-maleficence obliges physicians to avoid causing harm. Euthanasia thus places doctors in a moral dilemma: they are expected to respect patient autonomy but also bound by their duty to

[13] Pesut, Barbara, Madeleine Greig, Sally Thorne, Janet Storch, Michael Burgess, Carol Tishelman, Kenneth Chambaere, and Robert Janke. "Nursing and Euthanasia: A Narrative Review of the Nursing Ethics Literature." *Nursing Ethics* 27, no. 1 (2020): 152–167. https://doi.org/10.1177/0969733019845127

[14] Picon -Jaimes, Y. A., I. D. Lozada -Martinez, J. E. Orozco -Chinome, et al. "Euthanasia and Assisted Suicide: An In-Depth Review of Relevant Historical Aspects." *Annals of Medicine and Surgery* 75 (2022): 103380. https://doi.org/10.1016/j.amsu.2022.103380

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preserve life. Consequently, the Indonesian Medical Code of Ethics explicitly forbids physicians from participating in any form of euthanasia.[15]

Palliative sedation is often mistaken for euthanasia. It involves administering high doses of sedatives to terminally ill patients to relieve pain, not to hasten death. In palliative care, death results from the illness itself, not medical action. This distinction is essential to prevent confusion between euthanasia and ethically accepted end-of-life care.

Another key issue is patient consent, which must be given freely, consciously, and without pressure. In practice, this is difficult to ensure, especially in critical conditions. From a sociological perspective, euthanasia also raises concerns about potential abuse, particularly toward the elderly or disabled, when "compassion" is used to justify ending life for convenience or financial reasons.[16]

Amid these legal, ethical, and medical complexities, euthanasia remains a sensitive and controversial issue. A clear understanding of its distinctions and implications is vital for formulating laws and health policies that uphold human dignity and the right to life.[17]

2. Indonesian Positive Law and Islamic Law on the Prohibition of Euthanasia Based on Human Rights and Natural Law Theories .

In Indonesian law, euthanasia is not explicitly regulated as a lawful act, yet its prohibition is clearly reflected in various legal instruments that protect the right to life and forbid the intentional taking of life. The main legal bases include the Criminal Code (*KUHP*), the 1945 Constitution of the Republic of Indonesia, and Law No. 17 of 2023 on Health.

Although the Criminal Code does not specifically mention euthanasia, several articles are relevant. Article 338 stipulates that anyone who intentionally takes another person's life is guilty of murder and subject to a maximum imprisonment of fifteen years. In cases of active euthanasia, where medical personnel directly perform an act that causes death, this provision applies even if done at the patient's or family's request. Article 345 further prohibits taking a life at the victim's earnest request, punishable by up to twelve years' imprisonment. This article is often linked to euthanasia motivated by compassion but remains unlawful under Indonesian law.

The 1945 Constitution, particularly Article 28A, reinforces the right to life as a fundamental and non-derogable right, declaring that everyone has the right to live and defend their existence. Thus, any action that intentionally ends life, including euthanasia, contradicts this constitutional principle.

Law No. 17 of 2023 on Health strengthens the protection of human life and values. Article 4 guarantees the right to safe, quality, and humane health services, while Article 53(1) obliges medical professionals to act according to professional standards, ethics, and legal provisions. There is no legal justification within this law for euthanasia. Article 57(1) explicitly prohibits medical personnel from performing actions that cause a patient's death, except in emergencies to save life.

The Indonesian Code of Medical Ethics also upholds this stance, affirming that a doctor's primary duty is to preserve life and prevent harm, consistent with the principle of non-maleficence. Therefore, euthanasia, even when driven by humanitarian motives, violates both legal and ethical obligations within Indonesia's medical and legal frameworks.

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[15] Rahmawati, Zilfania, dan Ashif Az Zafi. "Euthanasia dalam Pandangan Moral, Kode Etik Kedokteran dan Perspektif Hukum Islam." *Al-Hurriyah: Jurnal Hukum Islam* 5, no. 2 (2020): 182–195. https://doi.org/10.30983/alhurriyah.v5i2.3205.

[16] Hains, Carrie-Anne Marie, dan Nicholas J. HulbertWilliams. "Attitudes toward Euthanasia and PhysicianAssisted Suicide: A Study of the Multivariate Effects of Healthcare Training, Patient Characteristics, Religion and Locus of Control." *Journal of Medical Ethics* 39, no. 8 (2013): 513–518.

[17] Scopetti, Matteo, dkk. "Assisted Suicide and Euthanasia in Mental Disorders: Ethical Positions in the Debate between Proportionality, Dignity, and the Right to Die." *Healthcare* 11, no. 5 (2023): 689. https://doi.org/10.3390/healthcare11050689.

Indonesian law recognizes patients' rights to humane and dignified medical treatment and regulates emergency procedures, yet these provisions cannot be interpreted as justification for euthanasia. The primary goal of medical care remains to heal and preserve life, not to end it. The prohibition of euthanasia is deeply rooted in the moral and religious values upheld by Indonesian society.[18]

Philosophically, Indonesia's legal system is grounded in Pancasila, the state ideology. The first principle, *Ketuhanan Yang Maha Esa* (Belief in One Supreme God), and the second, *Kemanusiaan yang Adil dan Beradab* (Just and Civilized Humanity), affirm that human life is sacred and that only God determines life and death. From this perspective, euthanasia contradicts the fundamental values of divinity and humanity.[19] Human life is regarded as inherently valuable, not to be measured by physical capability or productivity, but as a divine gift that must be protected. Therefore, ending life through euthanasia is viewed as a moral and philosophical violation of the principles underpinning Indonesian law.[20]

Advances in medical technology have complicated this issue by enabling patients to survive longer, even in vegetative states, creating ethical and legal dilemmas for healthcare professionals and families regarding the continuation or withdrawal of treatment. Passive euthanasia, involving the discontinuation of life support, remains legally ambiguous in Indonesia. Although it may occur in a palliative care context, it can still expose medical personnel to legal risk if it is perceived as intentionally causing death.

Indonesia currently has no specific law authorizing euthanasia. Unlike the Netherlands or Belgium, where euthanasia is legalized under strict regulation, Indonesia maintains a general prohibition based on moral, legal, and constitutional principles. The debate over euthanasia largely remains within academic and ethical discussions, with limited policy discourse due to the sensitivity of the issue in a predominantly religious society.

Even the informed consent provisions in Law No. 17 of 2023 do not legitimize euthanasia. While patients have the right to refuse treatment, this right does not extend to requesting medical personnel to actively end their lives. Thus, despite recognition of patient autonomy, Indonesian law firmly upholds the sanctity of life and continues to prohibit euthanasia in all forms.

Euthanasia in Islamic law is a complex issue because it concerns the nature of life, death, and Allah's absolute authority over both. Islam regards human life as a sacred trust (*amanah*) from Allah SWT that cannot be ended intentionally except by His will. The Qur'an, in Surah Al-Isra' verse 33, strictly forbids killing without lawful reason: "Do not kill the soul which Allah has forbidden, except by right." This serves as the main basis for prohibiting euthanasia, which is considered an unlawful act according to Sharia.[21]

Islam teaches that only Allah determines the time and manner of death. Any human action to end life, even out of compassion, is viewed as a violation of divine decree. Classical and contemporary scholars forbid suicide and euthanasia alike because both involve taking a life that belongs solely to Allah. The Prophet Muhammad SAW said, as narrated by Bukhari and Muslim, that anyone who kills himself will be punished in the same way in the Hereafter.[22]

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[18] Hartawan, I Gusti Agung Gede Utara, Anak Agung Sagung Laksmi Dewi, dan I Nyoman Sutama. "Eutanasia dalam Perspektif Hak Asasi Manusia dan Hukum Positif di Indonesia." *Jurnal Konstruksi Hukum* 1, no. 2 (2020): 310–314. https://doi.org/10.22225/jkh.1.2.2564.310-314.

[19] Mystakidou, Kyriaki, dkk. "The Evolution of Euthanasia and Its Perceptions in Greek Culture and Civilization." *Perspectives in Biology and Medicine* 66, no. 2 (2023): 205–218. https://doi.org/10.1353/pbm.2023.0015.

[20] Napitupulu, Gunawan, dan Musa Darwin Pane. "Delik Euthanasia yang Dilakukan Melalui Bantuan Tenaga Kesehatan Ditinjau dari Perspektif Filsafat Pancasila." *Res Nullius Law Journal* 1, no. 2 (Januari 2020): 117–123. https://doi.org/10.34010/rnlj.v1i2.2642 .

[21] Ebrahim, Abulfadl Mohsin. "Islamic Perspectives, Euthanasia (Qatl al-rahma)." *Journal of the Islamic Medical Association of North America* 4, no. 2 (2015): 45–60.

[22] Ali, Mardhatillah, dan Ashar Pagala. "Implementasi Kaidah-Kaidah Fikih pada Hukum Euthanasia." *Minhaj: Jurnal Ilmu Syariah* 4, no. 1 (2023): 62–76. https://doi.org/10.52431/minhaj.v4i1.1621.

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From a *fiqh* perspective, the prohibition of euthanasia is based on the principle *dar' al-mafāsid muqaddam 'ala jalb al-masālih* (preventing harm takes precedence over pursuing benefit). Although euthanasia may aim to reduce suffering, it causes greater harm by taking a human life. Therefore, good intentions cannot justify a forbidden act.

Opinions on passive euthanasia, or the withdrawal of life support, differ among scholars. Some contemporary jurists allow it under strict conditions, particularly when treatment is deemed futile, but the decision must be based on medical evidence, intention, and the principle of *maslahah* (public interest). However, most scholars remain cautious to prevent misuse.[23]

The Indonesian Ulema Council (MUI) has stated that both active and passive euthanasia are not permitted in Islamic law. Doctors are seen as protectors of life and do not have the authority to end it. The legal maxim *la darar wa la dirar* (do not harm yourself or others) is often cited in health ethics but cannot be used to justify euthanasia, since taking life is considered a greater harm than physical suffering.

The principle of *maqasid al-shari'a* (the objectives of Islamic law) also provides a strong basis for rejecting euthanasia. One of its core goals is *hifz al-nafs* (protection of life), which euthanasia clearly violates because it deliberately ends human life. Islam instead encourages treatment and efforts to sustain life, as long as these do not cause greater harm.[24] However, if a competent physician determines that a patient has no hope of recovery, Islam allows the cessation of extraordinary or aggressive treatment. This is not considered euthanasia, but rather an acknowledgment of human limitations and submission to the will of Allah SWT.[25]

Contemporary scholars such as Yusuf al-Qaradawi and the Islamic *Fiqh* Academy of the Organization of Islamic Cooperation (OIC) affirm that active euthanasia is absolutely prohibited, while passive euthanasia may be allowed under strict conditions. These include situations where the patient has suffered irreversible brain death and further treatment offers no medical benefit. In such cases, stopping life support is viewed as *takhfif al-alam* (reducing suffering) without the intention to kill.[26]

Islamic teachings emphasize patience (*sabr*) and acceptance (*rida*) toward illness as tests that expiate sins and elevate one's spiritual rank. Suffering is therefore not a legitimate reason to end life. The concept of *'adam al-yaqin bi al-mawt* (uncertainty of death) also underscores that as long as life remains medically and spiritually certain, it must be preserved. Islam promotes compassion (*rahmah*), but always within the framework of preserving, not terminating, life.[27]

Consequently, Islamic law views euthanasia as both a legal and theological violation, conflicting with faith and divine decree (*qada wa qadar*). In Muslim societies, doctors and health professionals are expected to uphold this understanding, recognizing that their duty extends beyond healing to safeguarding the sacred trust of life granted by Allah.

3. The Prohibition of Euthanasia in Indonesian Law and Islamic Law: Similarities, Differences, and Policy Implications.

[23] Ardiansyah, Lintang, et al. "Analisis Tindakan Eutanasia dalam Perspektif Hukum Islam dan Kode Etik Kedokteran Indonesia." *Hukum Inovatif: Jurnal Ilmu Hukum Sosial dan Humaniora* 1, no. 3 (2023): 150–165. https://doi.org/10.62383/humif.v1i3.318.

[24] Batool, Masooma, and Farwah Saeed. "Ethical Perspective of Euthanasia and Islamic Teachings." *Al -SaSee: Journal of Women, Society, and Religion* 2, no. 1 (June 2023): 1 – 15. https://doi.org/10.1234/al-sabayar.v2i1.17

[25] Bakry, Kamilatun Patuti, dan Andi Nur Afifah Ikrimah. "Euthanasia dalam Perspektif Kaidah Fikih al-Ḍararu Lā Yuzālu bi al-Ḍarar." *Bustanul Fuqaha: Jurnal Bidang Hukum Islam* 1, no. 4 (Desember 2020): 692–708. https://doi.org/10.36701/bustanul.v1i4.271

[26] Maqsurah, Ainil, Muhammad Ikhsan, dan Afifah Afifah. "Euthanasia Pasien Sekarat dalam Perspektif Hukum Islam." *Bustanul Fuqaha: Jurnal Bidang Hukum Islam* 5, no. 2 (Agustus 2024): 388–404. https://doi.org/10.36701/bustanul.v5i2.1713

[27] Zamroni, Muhammad. "Fiqh Euthanasia (Passive Euthanasia Perspective of Maslahah Mursalah for the Achievement of Asy-Shari'ah Maqashid)." *Mu'amalat: Jurnal Kajian Hukum Ekonomi Syariah* 13, no. 1 (2021): 1–14. https://doi.org/10.20414/mu.v13i1.4644

Euthanasia, the deliberate act of ending a person's life to relieve suffering, remains a contentious issue in Indonesia. Both Indonesian law and Islamic law prohibit euthanasia, although they do such based on different legal foundations and philosophical perspectives.

The first and most fundamental similarity is that both legal systems categorically prohibit euthanasia. Neither system recognizes it as a legitimate medical or legal act, whether performed at the patient's request or decided by others such as family members or physicians.[28] The second similarity lies in their shared commitment to the protection of life. Indonesian positive law upholds this principle through Article 28A of the 1945 Constitution, which guarantees the right to life, while Islamic law considers life a sacred trust from Allah that must not be terminated without lawful justification.[29]

A third similarity is that both systems reject compassion or mercy as a legal or moral justification for taking life. Indonesian law criminalizes murder even when carried out at the victim's request, as stated in Article 345 of the Criminal Code. Similarly, Islamic law views the intention to relieve suffering as insufficient to justify actions that contravene divine command.[30] Both also regard illness or suffering as reasons for care and patience, not as grounds for ending life. The fourth similarity is that neither legal system provides explicit, detailed regulations on active or passive euthanasia. Indonesian law relies on interpretation of the Criminal Code and the Health Law, while Islamic law uses legal reasoning (*istinbat*) derived from the Qur'an, Hadith, and scholarly consensus.[31]

Despite these similarities, there are important differences. The first lies in their normative sources: Indonesian law is based on state legislation and jurisprudence, while Islamic law is derived from divine revelation, including the Qur'an and Hadith. The second difference concerns their philosophical foundations. Indonesian law prohibits euthanasia primarily to protect human rights and uphold criminal norms, whereas Islamic law does so out of faith and submission to Allah's will. The third difference is the role of intention.[32] In Islamic law, good intentions do not justify prohibited acts, while in Indonesian law, intention may influence sentencing but not legality. Finally, Islamic law integrates ethical and spiritual dimensions beyond the scope of positive law, making its prohibition more absolute.

In the context of passive euthanasia, such as withdrawing life support, Indonesian law has not clearly defined the boundary between reasonable medical actions and those that may constitute negligence or the unlawful taking of life. In contrast, Islamic law allows the withdrawal of treatment under strict conditions, such as when a patient experiences total and irreversible brain death, but this is not categorized as euthanasia. Islamic law bases this on the principle of *maqasid al-shari'a* (objectives of the Sharia), particularly *hifz al-nafs* (protection of life). Any action that contradicts this principle, including euthanasia, is considered inconsistent with Islamic objectives.

Indonesian law does not employ the *maqasid* framework but instead relies on the principles of legality and the protection of human rights. This difference is reflected in the positions of key institutions. The Indonesian Ulema Council (MUI) unequivocally rejects all forms of euthanasia, while in the Indonesian legal context, debate continues within academic and

[28] Suryani, N., dan H. Huda. "Pertanggungjawaban Pidana Terhadap Keluarga yang Meminta untuk Dilakukan Euthanasia Ditinjau dalam Perspektif KUHP Indonesia dan Relevansinya Terhadap Hak Asasi Manusia." *UNES Law Review* 6, no. 1 (2023): 2532–2539. https://doi.org/10.31933/unesrev.v6i1.1026.

[29] Ardiansyah, Lintang, et al. "Analisis Tindakan Eutanasia dalam Perspektif Hukum Islam dan Kode Etik Kedokteran Indonesia." *Hukum Inovatif: Jurnal Ilmu Hukum Sosial dan Humaniora* 1, no. 3 (2023): 150–165. https://doi.org/10.62383/humif.v1i3.318.

[30] Flora, Henny Saida. "Euthanasia dalam Hukum Pidana Indonesia dan Hukum Kesehatan." *Jurnal Hukum Kesehatan Indonesia* 2, no. 2 (2022): 82–96. https://doi.org/10.53337/jhki.v2i02.44

[31] Safrima, Intana Aji, Asiya Chaniatuttazkiya, dan Sza Sza Al Zahwa Noor Sandaga. "Euthanasia Dipandang Berdasarkan Perspektif Hukum Islam dan Kode Etik Kedokteran Indonesia (KODEKI)." *Ikhlas: Jurnal Ilmiah Pendidikan Islam* 1, no. 4 (2021): 45–62. https://doi.org/10.61132/ikhlas.v1i4.153.

[32] Mahfudz, Shaifurrahman, dan Unggul Cahaya. "Euthanasia dalam Pandangan Hukum Islam dan Bioetika." *Jurnal Hukum Ekonomi Syariah AT-TAHKIM* 4, no. 1 (2021): 79–98. https://doi.org/10.30993/attahkim.v4i1.51

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ethical discussions. Indonesian law permits public discourse and possible legal reform in response to societal change, whereas in Islamic law, the prohibition of euthanasia is seen as a fixed and immutable sharia ruling.

Islamic law, however, allows the cessation of medical treatment that no longer provides benefit or merely prolongs suffering, provided there is no intention to end life. This is viewed as submission to divine will, not as euthanasia. Positive law, by contrast, offers no clear legal protection in such cases, leaving room for potential legal or ethical disputes when families or doctors decide to stop treatment.

Regarding sanctions, Indonesian law imposes imprisonment under Article 345 of the Criminal Code for acts resembling euthanasia. In Islamic law, perpetrators may face worldly punishments such *as qisas* or d*iyat* in cases of unlawful killing, along with accountability before Allah in the hereafter. Both legal systems share concern that legalizing euthanasia could invite abuse and devalue human life, particularly for vulnerable groups such as the elderly or disabled. Such legalization risks promoting a utilitarian view that measures life by productivity, contrary to both Islamic and constitutional values.

C. Conclusion

This study concludes that euthanasia remains a prohibited and controversial practice in Indonesia. Although some countries permit it under strict regulation, Indonesian law and medical ethics firmly oppose it, emphasizing the preservation of life.

The prohibition is legally grounded in Article 28A of the 1945 Constitution, the Criminal Code (Articles 338, 340, and 345), and Law No. 17 of 2023 on Health, which affirm the non-derogable right to life. In Islamic law, the ban is absolute, based on the Qur'an, Hadith, and *fiqh* principles that only Allah SWT determines life and death. Withdrawal of futile treatment may be allowed, but it is seen as accepting human limitation, not euthanasia.

Both legal systems uphold the sanctity of life, though their foundations differ: Indonesian law relies on constitutional and human rights principles, while Islamic law is based on divine revelation and *maqasid al-shari'ah*, especially *hifz al-nafs* (protection of life). To provide clarity for medical practice, Indonesia should develop a clear legal framework that harmonizes constitutional values, Islamic principles, medical ethics, and human rights, ensuring both legal certainty and respect for human dignity.

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