

EUTHANASIA IN MALAYSIA

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ABSTRACT

The legalisation of euthanasia has always been a debatable issue amongst different groups in our country. Due to the fact that euthanasia is still illegal in our country, several problems arise where euthanasia is concerned when the practice of medical practitioners in assisting their patient's death comes into light. The main aim of this research paper is to study Malaysia's position on euthanasia and whether or not it should be legalised.

During the course of this study, several relevant and reliable sources will be referred to. These sources include legal materials such as statutes, case laws, law reports and books. Other sources of information include newspaper articles, guidelines on medical ethics, and also ideas and suggestions that arose from conferences on euthanasia in Malaysia. Interviews will be conducted with both legal and medical practitioners as well as academicians that have expertise in this field.

It is hoped that at the end of this study, a better understanding of Malaysia's position on euthanasia could be gained to start the momentum for passive voluntary euthanasia to be legalised if certain requirements are fulfilled. The practice carried out in the hospitals of other jurisdictions will be analysed to find out if such practice is suitable to local circumstances for legalising it. We would also like to put forth our proposition that the practice of passive voluntary euthanasia should be legalised for the sake of terminally ill patients who wish to die in dignity and to end their pain and sufferings.

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CHAPTER 1

INTRODUCTION

1.0 Definition of Euthanasia

“Euthanasia” is the practice of bringing about a mercifully easy and painless death for persons suffer from an incurable and painful disease, intolerable suffering, or undignified death.¹ Active euthanasia is when a physician takes active measures in ending a patient’s life. Passive euthanasia is the withdrawal or withholding of treatment to the patient that subsequently leads to the acceleration of the patient’s death. There are four types of euthanasia namely voluntary, non-voluntary, involuntary and indirect euthanasia.

Voluntary euthanasia takes place when a patient explicitly and voluntarily consents to mercy killing to be performed upon him either verbally or in a written document such as a living will. Non-voluntary euthanasia is mercy killing carried out on a mentally incapacitated patient who is unable to express his wishes. Involuntary euthanasia is mercy killing carried out against the wishes of the patient and could amount to murder. Indirect euthanasia, a form of active euthanasia is carried out to relieve the patient’s

¹ “Euthanasia” The Oxford English Dictionary