

Homicide at The Request of The Victim. Between Criminal Liability and The Right to Dignity

Dr. Simona Franguloiu

*Associate researcher at "Acad. Andrei Rădulescu" Institute of Legal Research of the Romanian Academy
Trainer at National Institute of Magistracy, Romania
Lecturer, Ph.D at Faculty of Economic and Legal Sciences, "Constantin Brâncoveanu" University of Pitești,
Romania*

Abstract

The concept and content of the right to die with dignity is inextricably linked to the concept of euthanasia (active or passive) and assisted dying, which are related to the will to live, concepts with broad moral, ethical, and religious implications. These have generated lively debate in the medical and legal worlds, as well as in the religious world, starting from the precepts contained in the right to life and its protection in all legislation, including the European Convention on Human Rights and Fundamental Freedoms and EU legislation. While more and more states are regulating euthanasia and assisted dying outside criminal law or have adopted the moderate solution of mitigated punishment for forms of killing at the request of the victim, representatives of monotheistic religions (Hebrew, Christian, and Islamic) have adopted a Joint Declaration condemning all forms of euthanasia and medically assisted suicide and promoting palliative care. This scientific paper aims only to analyze the latest arguments brought to the academic debate and the new legislative changes introduced by several European states, from the perspective of criminal law and medical arguments, as a unified solution to the controversy is still impossible to find, given the relevance of the arguments put forward by the proponents of each idea and the fairness of the principles invoked, both in criminal and canon law, as well as in medicine.

Keywords: bioethics; criminal law; euthanasia; conscientious objection.