Death and dying in the law and bioethical standards

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Summary

This work represents the product of a multidisciplinary treatment of questions relating to the end of human life as regulated by the legal system. Dying and death are discussed from the perspective of civil, criminal, administrative, international, as well as canon law. While focusing mostly on a cross-sectional analysis of the legal system, the work also addresses some extremely emotional and controversial problems of a non-legal nature, such as suicide, abortion and euthanasia. The subject is treated comprehensively, going far beyond law and incorporating ethical and bioethical considerations as an important adjunct to the core legal issues.

The dissertation consists of an introduction, six chapters and a conclusion.

The introduction outlines the object of research, while also discussing research problems, goals, limitations and analytical methods. The first chapter deals with the non-legal aspect of dying and death, followed by a discussion of impact human mortality has had on medicine historically. Consideration is given to the importance of ethics and bioethics as a response to rapid medical advances. The second chapter highlights the importance of dignity and the right to die with dignity. 'Dignity' is explained as a systemic principle within a broad comparative legal context, looking at how this particular concept is governed by Polish, international and Community law. Notice has been taken of patient rights as a value protected under international law. The following part considers patient rights in the light of end-of-life care. It also covers euthanasia, legal problems relating to invasive therapy, the double-effect principle and respect of the will of a dying person. The third chapter defines the legal and medical determinants of the time of death seen as a process. Importantly, that chapter analyses the existing laws, concentrating particularly on provisions pertaining to death and its legal effects, the legal status of a corpse and the problem of declaration of death under Polish law. Death seen as the execution of a declaration of intent is the centrepiece of the fourth chapter. It deals mainly with legal solutions regarding declarations *per se* (as such) and declarations *pro timore mortis* (in fear of impending death). An attempt has also been made at presenting the act of suicide in the context of the right to self-determination. This part closes with

considerations pertaining to abortion understood as a declaration of a pregnant woman's intent to terminate the pregnancy. The fifth chapter surveys the death penalty from a criminal-law perspective, as the execution of a decision by a state authority. This part summarises points of doctrine related to theories of the death penalty and its contemporary legislative ramifications. The closing chapter discusses legal protection of the deceased's personal rights and intellectual property rights. The work ends with a summary presenting conclusions from the research and indicating areas for further research.

Key words: death in Polish law, right to die with dignity, deceased's personal rights, suicide as a declaration of intent, patient's dignity, patient rights, bioethics.