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MEDICOLEGAL AND ETHICAL DIMENSIONS OF DEATH: A FORENSIC PERSPECTIVE

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ABSTRACT

Medical jurisprudence represents a critical interdisciplinary field that bridges the domains of law and medicine, addressing complex legal questions through medical expertise and scientific investigation. This paper explores the fundamental aspects of medical jurisprudence, focusing on the intersection of death investigation, forensic pathology, and biomedical ethics within legal frameworks.

The concept of death in medical jurisprudence extends beyond routine medical examinations to encompass comprehensive investigations of sudden, suspicious, or unexplained fatalities. Whether examining homicides, suicides, natural deaths, or cases of medical malpractice, forensic experts play an indispensable role in determining causation and gathering evidence essential for legal proceedings. The paper examines how medical practitioners interface with legal systems through expert testimony, post-mortem examinations, and specialized investigations.

Forensic pathology emerges as a specialized discipline within this field, employing pathological methodologies to investigate criminal activities and elucidate the circumstances surrounding death. Through meticulous post-mortem examinations and evidence collection, forensic pathologists serve as scientific detectives, bridging medical findings with legal implications. The paper illustrates this through examination of complex cases, including deaths caused by natural phenomena such as lightning strikes that may mimic homicidal violence.

Finally, the paper addresses the ethical dimensions of medical jurisprudence by exploring the fundamental principles of biomedical ethics—autonomy, nonmaleficence, beneficence, and justice—as articulated by Beauchamp and Childress. These principles provide essential guidance for healthcare professionals navigating the moral complexities inherent in medical practice and forensic investigation. This comprehensive examination demonstrates how medical jurisprudence serves as a guardian of

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justice, ensuring thorough investigation of mortality circumstances while upholding ethical standards in healthcare delivery.

INTRODUCTION

The science of medical jurisprudence is a subject that deals with the combined workings of the two departments: law and medicine. It is the study of law with respect to its medical and forensic aspects and is defined as “the study of law in connection with its underlying principles.” It involves the characteristics of science to trace a result to its causes and helps in further investigation of the causes and principles of law. The law and medicine are both fields that are important and wide in prospects but the field of medical jurisprudence is much broader and more specific in the sense that it concentrates on a deeper level of research into not just the principle matters of evidence in a court of law but also ethics and moral principles of the medical practice and rules of law.

A man is responsible for no act except the ones he intends to do having his own free will and not instinctively with the likes of an animal. Humans hold power over their actions and this elevates them to a sort of power that comes with a liability of its own. An individual's act or omission responds to reward or discipline them in numerous ways, and this is where the justice system takes on its character. The administration of justice is flawed in every state, which is why the role of a medical practitioner is vital during court proceedings.

CONCEPT OF DEATH

Death, within the realm of medical jurisprudence, is a complex and multifaceted subject that necessitates a nuanced understanding of both medical and legal intricacies. This interdisciplinary field, which amalgamates the principles of medicine and law, plays a pivotal role in unraveling the circumstances, causes, and implications surrounding various types of deaths. The examination of death from a medical jurisprudence perspective encompasses a wide array of considerations, ranging from natural causes to traumatic incidents, and it serves as a critical bridge between the medical and legal domains.

In medical jurisprudence, the investigation of death extends far beyond the realm of routine medical examinations. When an individual's demise is sudden, suspicious, or unexplained, the expertise of legal physicians comes into play. These professionals, often forensic pathologists or medical examiners,

conduct thorough postmortem examinations to determine the cause of death and to gather evidence that may be essential in legal proceedings.

One facet of death that frequently engages the attention of medical jurisprudence is that which results from criminal activities. Homicides, suicides, and accidents fall under the purview of forensic experts who meticulously examine the deceased to elucidate the circumstances leading to their demise. The forensic pathologist's role involves not only identifying the cause of death but also scrutinizing the body for any signs of external trauma, such as wounds, fractures, or contusions. This detailed examination is crucial for reconstructing events, establishing the sequence of injuries, and ultimately contributing to the determination of culpability or innocence in a legal context.²

Medical jurisprudence is equally concerned with untangling the complexities surrounding deaths due to natural causes. When an individual passes away from illnesses, diseases, or medical conditions, legal physicians may be involved in validating the natural course of events and ruling out foul play. This aspect of medical jurisprudence ensures that deaths resulting from diseases are accurately documented, and any suspicions of medical negligence or malpractice are thoroughly investigated.

Another dimension of death in medical jurisprudence pertains to cases involving medical malpractice. If a patient dies as a consequence of negligence, incompetence, or substandard care on the part of a healthcare provider, the legal implications are profound. Medical jurisprudence comes into play to ascertain whether the healthcare professional adhered to the established standards of care and whether their actions or omissions directly contributed to the patient's demise. These cases often involve a careful examination of medical records, expert testimony, and the application of legal principles to determine liability.

The concept of the doctor-patient relationship is integral to medical jurisprudence concerning deaths. The ethical responsibilities of healthcare providers are under scrutiny, particularly when a patient's death raises questions about informed consent, treatment decisions, or breaches of confidentiality. Understanding the nuances of this relationship is crucial in determining whether the healthcare provider fulfilled their duty of care and acted in the best interests of the patient.

In conclusion, death in the context of medical jurisprudence is a multifaceted subject that delves into the intricate intersection of medicine and law. Whether investigating homicides, assessing natural deaths, scrutinizing medical malpractice cases, or exploring the ethical dimensions of the doctor-patient relationship, medical jurisprudence plays a crucial role in unraveling the complexities

² Charles Coppens, *Moral Principles and Medical Practice: The Basis of Medical Jurisprudence*, 14 (Geoff Horton, Laura Wisewell 2006)

surrounding mortality. This interdisciplinary field serves as a guardian of justice, ensuring that the circumstances of death are meticulously examined, and the legal implications are appropriately addressed.

FORENSICS

A medical practitioner encounters the field of law if they are being prosecuted for a suit in case of malpractice, to appear as a witness giving an expert's opinion in a matter before a court, the occurrence of birth or the cause of death, to report any cases of specified infectious diseases to the authorities, to determine when mentally disturbed convicts need to be detained at facilities to protect themselves and others, etc. Medical witnesses may testify in front of courts, administrative tribunals, inquests, licensing agencies, boards of inquiry or certification, or other investigative organizations.

The routine functions of medical jurisprudence encompass various daily undertakings, with the utilization of physicians as witnesses being less frequent but arguably more crucial. When doctors testify in court regarding their observations, they are subjected to the same limitations as other witnesses. Over the course of its evolution, this discipline has bestowed substantial authority upon medical practitioners, positioning them to play a pivotal role by furnishing expert opinions in legal cases. However, this augmented authority is accompanied by substantial responsibilities, including the doctor-patient relationship, instances of medical negligence, ethical conduct, and professional misconduct. Although medical jurisprudence boasts a rich historical lineage, its continuous evolution is evident due to technological advancements and modifications within the legal system. This article delves into an exhaustive examination of medical jurisprudence from the perspective of Indian law, shedding light on its multifaceted dimensions.

In the realm of forensic medicine, a specialized field contributing to the elucidation of criminal cases, the convergence of law and medicine is more seamlessly intertwined. Forensic medical experts play a pivotal role in aiding courts, particularly in the coroner's court within the framework of Anglo-Saxon law, to determine the causes of sudden and unanticipated deaths. In such instances, the principal investigative procedure undertaken by forensic professionals involves a comprehensive postmortem examination of the deceased, encompassing a meticulous scrutiny of every organ and its contents, along with microscopic examinations of selected organs and substances, supplemented by DNA testing. The scope of forensic medicine encompasses intricate tasks, including the determination of body size and sex through the analysis of a few skeletal remains, identification of a cadaver based on

dental patterns, and the revelation of indicators pointing to rape or unresolved homicide. Additionally, it often involves ascertaining the time of death or scrutinizing a motorist's blood alcohol level to gauge impairment in judgment.³

In a hypothetical scenario wherein a patient succumbs to a hypersensitive allergic reaction to a widely accepted medication, does the responsibility for the death lie with the doctor? In such a case, the deceased patient's family might initiate a medical malpractice complaint against the healthcare practitioner. Legal representatives for both the doctor and the patient involved in the lawsuit must possess a comprehensive understanding of the circumstances surrounding the tragic demise. This is where the field of medical jurisprudence proves invaluable in determining the accountability of the doctor. The following instances elucidate some of the prevalent medical jurisprudence cases frequently brought before the courts:

1. Paternity testing
2. Injuries and wounds
3. Death as a result of poisoning
4. Cause of death and manner of death
5. Violent death

FORENSIC PATHOLOGY

Forensic pathology stands as a distinctive domain within forensic science, employing pathological methodologies to scrutinize criminal activities and shed light on abrupt, dubious, or unexplained fatalities. This specialized field plays a critical role in the meticulous examination of deceased individuals, seeking to unravel the mysteries surrounding their demise. At its core, a forensic pathologist undertakes a comprehensive analysis of cadavers, delving into the intricacies of ascertaining both the cause of death and the circumstances enveloping it. Furthermore, their task extends to the identification and collection of evidentiary material that holds significant value in legal proceedings.

The primary objective of a forensic pathologist is to decipher the intricate details encompassing the cessation of life, unravelling the enigma of why and how an individual met their demise. This

³ Brain Booster Articles, <https://www.brainboosterarticles.com/post/medical-jurisprudence-and-related-laws-in-india> (last visited date Dec. 11, 2023)

multifaceted investigation involves a thorough postmortem examination, encompassing the meticulous scrutiny of various physiological components and organ systems. The forensic pathologist meticulously examines the deceased person's body, exploring the potential involvement of external factors such as trauma, toxins, or infectious agents in the fatal event.

In the quest for truth and justice, the forensic pathologist acts as a scientific detective, employing a repertoire of specialized techniques and knowledge to decipher the silent testimony left behind by the deceased. They meticulously document their findings, seeking to establish a comprehensive understanding of the events leading up to and culminating in the individual's death. The examination process involves not only macroscopic analysis but also microscopic scrutiny of tissues and organs, delving into cellular and molecular levels to uncover hidden clues.

Moreover, the role of a forensic pathologist extends beyond the autopsy table. They collaborate with law enforcement agencies, forensic scientists, and legal professionals, offering expert insights and testimony in court proceedings. The evidentiary material they uncover often becomes pivotal in criminal investigations, aiding in the reconstruction of events and contributing to the establishment of culpability or innocence. In essence, forensic pathology serves as a crucial bridge between the medical and legal realms, employing scientific rigor to bring clarity to the shadows cast by suspicious and unexplained deaths.

One such suspicious and unexplained deaths are the deaths caused by lightning. This is a rather sporadic, unpredictable “Act of God” or “Forces of Nature”.⁴ In the year 2021 alone, lightning deaths comprised of about 40% of accidental deaths caused by such natural calamities. Fatalities resulting from lightning strikes often manifest effects that closely mimic those of homicidal violence. This circumstance warrants the careful consideration of forensic experts, especially when tasked with determining the cause of death in instances where the deceased is found in an isolated and remote location, displaying signs of significant external trauma. Legal physicians may find themselves involved in such cases, where their expertise is crucial in unraveling the circumstances surrounding an unknown death.

The aftermath of a lightning strike bears a striking resemblance to the outcomes of forceful acts of violence, resembling the impact of a potent electric battery. This similarity underscores the correlation between the destructive forces unleashed by lightning and those generated by electrical devices. In the event of a thunderstorm, the cloud's electric polarity tends to be predominantly positive, while the

⁴ The Hindu, <https://www.thehindu.com/news/national/can-deaths-due-to-lightning-be-considered-a-natural-disaster/article67087105.ece> (last visited Dec. 11, 2023)

earth beneath it assumes a negative polarity. The intensification of these polarities through mutual induction creates conditions conducive to a disruptive discharge. This discharge can occur through the air or any intervening object, including the human body.

Therefore, the legal physician must navigate the intricacies of such cases, carefully differentiating between deaths caused by lightning strikes and those resulting from deliberate acts of violence. The parallels in the external manifestations of trauma necessitate a meticulous examination of the circumstances surrounding the death. This is particularly pertinent in scenarios where the body is discovered in a desolate setting, far removed from immediate assistance or witnesses.

Understanding the physics of lightning strikes becomes imperative for legal physicians tasked with ascertaining cause of death. The convergence of positive and negative electric polarities, coupled with the disruptive discharge that follows, illustrates the potential lethality of a lightning strike. In essence, the legal physician serves as a crucial link between the scientific understanding of natural phenomena and the legal implications associated with untimely and enigmatic deaths.⁵

BIOMEDICAL ETHICS

Bioethics is the exploration of ethical, social, and legal dilemmas arising in the field of biomedicine and biomedical research.

In our daily provision of healthcare to individuals with diverse values in a multicultural society, we encounter ethical decisions, both trivial and significant. Navigating through such diversity requires universally acceptable moral guidelines that accommodate religious and non-religious perspectives, spanning various cultures. In healthcare, where numerous variables influence clinical cases, ethical principles serve as potent guides rather than absolute mandates.

Some of these principles, like those articulated by the ancient physician-philosopher Hippocrates in the 4th century BCE, such as the directive to "help and do no harm," have endured for centuries. Similarly, the concepts of respect for persons and justice have been ingrained in societal development throughout history.

The Belmont Report, crafted in 1979, identified three key principles—respect for persons, beneficence, and justice—as essential guidelines for responsible research involving human subjects. These principles, grounded in ethical considerations, transcend unique circumstances and are deemed

⁵Charles Coppens, *Moral Principles and Medical Practice: The Basis of Medical Jurisprudence*, 6-14 (Geoff Horton, Laura Wisewell 2006)

applicable in both clinical medicine and scientific research. They serve as beacons, providing guidance in discerning moral duties within diverse situations.⁶

FUNDAMENTAL PRINCIPLES OF BIO-MEDICAL ETHICS

Derived from Beauchamp and Childress (2008), four fundamental principles sustaining health care ethics include the Principle of Respect for Autonomy, the Principle of Nonmaleficence, the Principle of Beneficence, and the Principle of Justice.

ROLE OF AUTONOMY

The Principle of Autonomy underscores the notion that moral decision-making assumes the involvement of rational agents making informed and voluntary choices. In healthcare decisions, respecting the autonomy of the patient implies that the patient can act intentionally, with understanding, and free from controlling influences that might impede a voluntary act. This principle serves as the foundation for the practice of "informed consent" in the physician-patient relationship, ensuring that patients make decisions about their healthcare with full understanding and voluntariness.

NONMALEFICENCE

The Principle of Nonmaleficence dictates that healthcare professionals must refrain from intentionally causing harm or injury to the patient, either through acts of commission or omission. Negligence is considered when one imposes a careless or unreasonable risk of harm. Upholding a proper standard of care, which avoids or minimizes the risk of harm, aligns with commonly held moral convictions and societal laws. This principle emphasizes the importance of medical competence and underscores the commitment of healthcare professionals to protect their patients from harm.

BENEFICENCE

The Principle of Beneficence asserts that healthcare providers have a duty to benefit the patient and take affirmative steps to prevent and alleviate harm. This principle encapsulates the fundamental goals of medicine, emphasizing the responsibility of healthcare professionals to provide benefits to

⁶ THOMAS R. MCCORMICK, Principles of Bioethics, University of Washington Department of Bioethics and Humanities (Dec.11, 2023, 7:20 PM), <https://depts.washington.edu/bhdept/ethics-medicine/bioethics-topics/articles/principles-bioethics>

individual patients and contribute to the well-being of society as a whole. The relationship between a patient and a healthcare provider is characterized by trust, with the patient relying on the physician's competence and commitment to the primary objective of providing help.

JUSTICE

Justice in health care is defined as a form of fairness, encapsulated in the idea of "giving to each that which is his due," as Aristotle once articulated. This principle underscores the fair distribution of goods in society and addresses the concept of entitlement. Distributive justice comes into play when some goods and services are limited, requiring a fair allocation of scarce resources. The determination of equitable means for allocating these resources becomes pivotal in ensuring justice within the healthcare system, acknowledging that there may not be enough to satisfy all needs and emphasizing the importance of fair distribution.⁷

CONCLUSION

The development of medical jurisprudence has significantly benefited both the legal and medical fields, fostering a deeper understanding and collaboration between the two disciplines. This synergy has facilitated smoother operations and interdependence. Advances in medical jurisprudence have enabled the resolution of previously insurmountable issues, playing a crucial role in diverse scenarios. Medical jurisprudence plays a pivotal role in addressing legal issues related to rape and murder, particularly in the realm of evidence laws. Post-mortem procedures, such as autopsies, conducted after an individual's death, provide vital information essential to legal cases, these procedures contribute significantly to unraveling key details crucial for the resolution of cases.

The ethical foundation codified in the Code of Medical Ethics, reinforced by ethical jurisprudence, has the potential to rejuvenate ethically compliant healthcare practices in India. To streamline ethics within both private and public healthcare systems, comprehensive policy measures, including the establishment of a statute institutionalizing ethical principles, become imperative. Such measures aim to uphold the right to healthcare while ensuring ethical standards are adhered to across the healthcare landscape.

⁷ HEALTHCARE ETHICS AND LAW, <https://www.healthcareethicsandlaw.co.uk/intro-healthcare-ethics-law/principlesofbiomedethics#:~:text=The%20four%20principles%20of%20biomedical%20ethics%20as%20outlined%20by%20Beauchamp,%2Dmaleficence%2C%20beneficence%20and%20justice.> (last visited Dec.11, 2023)

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