

BIOETHICS IN INDONESIA

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Abstract

Bioethics in Indonesia has a distinctive feature of eastern even more specific to have special features of Indonesia. The development of bioethics in America and Europe is characterized by attention to the individual as the impact of technological advances especially medical technology. Individual rights and human rights are the basic references that are central to bioethics studies. While the hallmark of eastern society is communal society, especially Indonesia. The Indonesian state is formed based on the social concept refers to the values of the living culture in society. Consequently, the concept of a self-ruled individual right to himself including the right to die in the case of euthanasia is unacceptable according to cultural and religious beliefs in Indonesia. Families and communities play an important role in decision-making for both individuals and groups, including in the case of euthanasia, artificial reproductive technology, surrogacy and other forms of bioethics issues. This paper discusses how the state of Indonesia plays its role in dealing with issues related to bioethics. The current issue of bioethics is not just about a single country issue. Advances in technology and international relations open opportunities between countries to conduct research cooperation, information exchange and medical technology tool transactions in an effort to advance their respective countries. Technology knows no boundaries, technological success in a country will be followed by other countries if the technology has a good impact. However, the problem of the impact of technology itself can not be generalized related to the settlement of its impacts for each country. The answer to the question of bioethics in the west is different from Indonesia. The concept of autonomy prevailing in Indonesia is not interpreted entirely as personal freedom personally, the individual is understood as a person who has a close relationship with the family and the surrounding community. The state of Indonesia is a state based on the divine, meaning that the impact of technological progress is filtered using the provisions of religious ethics and morality. Then the concept of a socialist state also influences every legal product applied. Data collection was done by documentation study, and literature study. From the result of the research, it is found that the concept of bioethics in Indonesia provides guidance, direction for Indonesian people who face dilemma in the area of bioethics. Abstract text must be in one column and Arial font, 10 point, normal, justified alignment with single-spaced interline spacing.

Keywords: Bioethics, Consept, Indonesia.

1. INTRODUCTION

The religious Indonesian society influences concepts and understandings in bioethics issues. The foundation of the Indonesian constitution derives from the ideology of Pancasila, it is outlined to mean the five basic principles of the state, the one Supreme Godhead, the second principle of a just and civilized humanity, the principle of the three unity of Indonesia, the fourth precepts governed by the wisdom of wisdom in deliberations of representation, the fifth of social justice for all the people of Indonesia. These basics become the reference for any regulations made by the government. Pancasila is a formulation of original that reflects the identity of the Indonesian, Pancasila is the way of life of the Indonesian. On the other hand bioethics is

not an issue of absolute right or wrong. In outlining bioethics issues, the people involved are in a dilemma and gray situation so that various approaches are used. One approach may not support each other. This is where the gray area begins to be debated.

Bioethics is a multidisciplinary science that involves various disciplines, such as: medicine, law, philosophy, social and religion. In 1969 a researcher in the field of medical Van Rensselaer Potter introduces the first time the term bioethics in accordance with the field he is working on is the relationship between human values with biological science. The word bio in bioethics comes from the Greek word bios which means life and ethics meaningful about good and bad an action according to the size adopted by society. The meaning of the word life becomes the center of study in bioethics science. According to Mooney, life is a human experience to live every event, belief and life values (Carla Mooney, 2009).

This is especially meaningful when it comes to bioethics issues that include: a possible organ transplant of the heart to one person, while at the same time two people needs it. Then the scientist created a baby in the laboratory, a woman who had cancer asked for euthanasia. And a young man who has to support his life using a respiratory system. In such conditions how best to interpret the meaning of life. How to answer the question of who will live, who dies and who has the right to decide. With the provision of science and technology today, humans have the ability to intervene and manipulate human life from the earliest to the very last stage.

The medical profession is directly related to the changes caused by the development of science and technology. For centuries the medical profession tried to provide an effort to cure the disease and prevent the patient from suffering from illness until death. They do not have the ability to decide on the life and death of a person. Along with the development and progress of the era, way and method of treatment was growing better so that gave birth to various medical technology to support patient and science needs

In practice, not all types of medical technology that can be successful and accepted by everyone. Every form of technology and method also gives rise to individual and social implications. Medical technology has influenced the social structure of religious values and culture adopted by society. Now, Medical science has changed the order and balance, doctors and scientists are able to prolong and make life in many ways, more than ever before. Life support machines help keep one's heart throbbing until it helps to stay breathing. Drug trials produce hope for survival for those suffering from cancer and heart disease. Even scientists have now found a way to manipulate human gene (Carla Mooney, 2009).

Responding to the issue of global issues, Indonesia uses the values of Pancasila and the laws that apply to filter the problems of bioethics in Indonesia. The legal system adopted refers to the continental European legal system. This system is embraced as a relic of the Dutch colonial period. In fact the continental European legal system in Indonesia adapts to adopting the local values of Indonesian culture. As a proof of customary law is still declared applicable, especially private to the community adherents. Health sector arrangements are scattered in various laws, but most refer to Law Number 36 Year 2009 on Health as the basic foundation of the regulation of health law. Supported by Medical Practice Law, Hospital Law, Nursing Law and Health Manpower Law. Bioethics issues are dispersed in various legal provisions, some of which include: abortion, euthanasia, artificial reproductive technology, and transplantation are contained in the Civil Code, Criminal Code, Health Law, Government Regulation and Minister of Health Regulation.

The focus of the problem on bioethics began to develop because of the participation and activeness of Indonesia in a global meeting that discussed issues surrounding bioethics and anticipation steps. This participation began in 1997 in the 29th general conference of UNESCO issued a declaration known as Universal Declaration on Human Rights and Human Genome (UD-HRHG). This is the first international document to discuss bioethics issues. Since then UNESCO established two bodies, namely the international bioethics committee (IBC) and the intergovernmental bioethics committee (IGBC). The IBC is a body established by the director-general of UNESCO who is tasked to provide considerations regarding issues in bioethics. The IGBC is a body that embraces the representatives of UNESCO members with the task of discussing bioethics issues. In the IBC forum, Indonesia is represented by Prof. Soenarto Sastrowijoto from the medical faculty of Gadjah Mada University is part of the national commission on health research ethics. While in the IGBC forum, Indonesia is represented by Dr. Amru Hyderi Nazif from LIPI as secretary of the preparation team for the establishment of national bioethics commission. Indonesia is part of an IGBC membership totaling 36 countries. After the series of activities, 17 September 2004 Indonesia established the National Bioethics Commission. The objective is to discuss issues related to bioethics, provide inputs to the government and disseminate bioethics information to the Indonesian people.

2. BIOETHICAL PRINCIPLES

Oxford companion to philosophy interpret bioethics is the study of the moral and social implications of the techniques resulting from advances in the biological sciences (Mepham, 2005). According to Van Resellaer Potter (Mepham, 2005) bioethics as 'a new discipline which combines biological knowledge with a knowledge of human sciences and humanities, help a humanity to survive and sustain, and improve the civilized world'. based on this understanding, puts human beings at the center to be protected in various biotechnological activities (Umar Anggara Jenie, 2009).

In an attempt to protect humans from potentially risk-bearing activities, Beauchamp and Childress provide a reference to looking at bioethics issues. This issue can not be seen only from a single point of view and approach method. Violation of ethics does not necessarily go into lawlessness. On the contrary, violating the law is clearly an ethical violation. Then how medicine itself practiced it. The principles of bioethics (Beauchamp and Childress, 1994) are an elaboration of ethical, legal and medical values. The description is as follows:

- a. Respect to autonomy, meaning to respect each individual that they have authority over his body, that every individual is entitled to accept or reject any medical action that will be done to him without any coercion or discrimination against him. By law this right shall be protected, even if the physician knows the best course of action against the diagnosis of the patient's illness. However, the utmost right to therapy is determined by the patient himself. Implementation of this principle is supported by the approval of a medical action that must be approved by the patient. According to Sudikno Mertokusumo (1993), informed consent began to be known since 1914 when Cardozo judge in a *schloendorff v state of new york hospital* declared that "surgeons who perform surgery without consent the patient conduct a sudden attack then consent) got attention and evolved into informed consent.
- b. Beneficence, meaning that access to health should be accepted by a patient is the best according to his condition. The treatment used should refer to the best possible benefit. In a situation of heavy choice doctors should be able to see the greatest benefit for the patient. It could be in one action a double effect event, in the case of life-saving measures in pregnant women there is a choice between the mother's life or the fetus in the womb.
- c. Non-maleficence, meaning no harm, any form of treatment as much as possible to prevent a person from the impact of losses that may suffer.
- d. Justice, meaning everyone should be treated the same regardless of their origin, be it race, religion or belief and others. Everyone is entitled to receive access to health services based on their medical needs. Ethically, law and medicine recognize this provision.

In practice, the implementation of bioethics principles adapts to concrete events. What if there is a conflict of interest simultaneously in these principles, a person suffering from HIV / AIDS has an autonomy right to the confidentiality of all health conditions, while the person has a wife, children and family who are potentially infected with HIV / AIDS. In this case doctors may use the principle of beneficence to protect larger interests. By telling his or her family the right way and compromising. The preference of one of the more important principles in this particular situation is called the *prima facie*.

2.1 The Beginning of Life

When life begins to have many perceptions, ethically, law, medicine and science. There are 5 (five) possibilities that life begins (Marcia A. Lewis, Carol D. Tamparo, 2007).

1. At the time of conception
2. when the brain starts to function, usually week 8-12
3. At the time of quickening, week 16-18
4. At the time of viability or ability to live outside the womb, week 20-35
5. At the time of birth.

The ongoing technological revolution now allows more opportunities and the ability to interfere in life, on a micro or macro level. Technology around conception and birth, such as in vitro fertilization and amniocentesis, also determines when we will be born and how to feature some features we have or do not have (Thomas A. Shannon, 1995). The development of baby tubes in Indonesia from year to year continues

to increase. the success of birth through IVF in Indonesia first occurred on May 2, 1988 with the name Nugroho Karyanto. The tube baby program was first implemented in our hope maternity hospital, Jakarta. One of the problems that have not been able to be decided due to this technology is the status of embryo remaining IVF, the cause is religious diversity and belief in the view of the embryo status of the remaining IVF.

Ethical answers are divided according to the views of various religions in Indonesia, in addition to the whole Islamic religion (catholic, protestant, Hindu, Buddhist) states that life begins from the beginning of conception. It means that at that time human life must be respected. Human intervention in the aftermath means to have intervened in God's will and humiliated human dignity. There are differences of opinion from an Islamic point of view. That man's human life began when blown by his spirit, since then human life has a legal standing. However, it does not mean that before the blowing of the soul, humans are allowed and free to intervene in the natural process of human birth. The relationship of the concept of the beginning of human life is closely related to assisted reproduction technology or pregnancy outside the natural way or commonly called the baby tube. Baby tube is a process of pregnancy beyond the natural way to produce embryo conception. Then the embryo is transferred to her mother's womb. Embryo status is then the issue of the issue of bioethics. Whether the embryo has a status of rights as a human being or not. Meanwhile, according to the medical oath they will respect the human life since the beginning of life, this oath is then supported by scientific evidence presented in biological studies that the process of human life is a continuous process since the meeting between sperm and ovum. The process never ceases until the natural stage of human death (Kusmaryanto, 2006)

2.2 Surrogacy

Indonesian does not have specific rules of the mother tongue of the surrogate. Indonesia prohibits any act related to a surrogate mother because oppose to the customary, religion, and decency norms. Similarly, the majority of countries in Europe rejects the concept of surrogate mother for surrogacy agreement is contrary to public policy and refused the commercialization of human body ". (Sonny dewi judiasih dkk). Surrogacy position under contract law in Indonesia has different meaning related to law treaty in Indonesia. Agreement is an event where promise to someone else or when two people promised to do something that is spoken or written. (Salim HS et al, 2008)

The main point that surrogacy can't be implemented in Indonesia is contrary with the principle in agreement that must reflect:

- | | |
|------------------------|----------------------------|
| a. Freedom of contract | h. Equality before the law |
| b. Consensualism | i. balance |
| c. Legal certainty | j. morality |
| d. Good faith | k. decency |
| e. Personality | l. custom |
| f. Trust | m. Protection |
| g. Binding force | |

It is legally stated above that there is no place in Indonesia to undertake the practice of renting a uterus or surrogate mother. However good the reason for that is put forward, in the cultural tradition in Indonesia can not accept it. Most Indonesian people believe that Islam embraces embryo seeds to other people where the embryo is not originated is a bad deed and declared unlawful because it is not in accordance with the teachings of Al-Quran and hadith as has also been warned by the Indonesian Ulema Council and the Central Executive Muhammadiyah Indonesia.

2.3 Stem Cell Research

Goal of medicine includes promotion of health and prevention of disease; relief of symptoms pain, and suffering; cure disease; prevention of ultimately death; improvement of functional status or maintenance of compromised status; education and counseling of patients regarding their condition and prognosis; avoidance of harm to the patient in the course of care. Stem cell stemming may be relevant to the second, third and fourth goals (Agus Purwadianto, 2009). The problem that violates ethics in this section is reproductive reproduction and germ line intervention. The stem cell research controversy in Indonesia lies in the procedure of obtaining the stem cells themselves. Stem cells have two types: embryonic stem cells and

adult stem cells. How to acquire adult stem cells does not cause problems because it is taken from the human body itself. While embryonic stem cells are obtained from extracted human embryos. This relates to the early concept of life as described above. Is it ethical to take advantage of the potential embryo to live by turning it off for the sake of other human lives.

Stem cells are stem cells, a group of differentiated cells that have the potential to regenerate various organs. When body cells are damaged, stem cells can differentiate into new organ cells that directly repair damaged cells and increase cell regeneration. This process is like a lizard that breaks off a tail can fix and regenerate the same. Stem cells can effectively treat liver cirrhosis, kidney failure, Parkinson's, cerebral palsy, spinal cord injury, stroke, diabetes, including immune diseases, genetic defects, autism, stem cells can be an effective anti-aging effect. There has been a lot of research and research done on stem cells and there are many new uses or benefits from stem cells. Stem cells can also be used to cure various diseases that have not had previous treatment.

In November 2017 at Cipto Mangunkusumo Hospital (RSCM) Jakarta, the RSCM research unit held an open public seminar aimed at spreading the stem cell situation in its research and achievements to date. It is undeniable that stem cells offer great hope for the treatment of incurable diseases. Carrying out the success of stem cell utilization to treat diabetes, fractures, leukemia, and various other therapies (RSCM Stem Cells, 2017). The source of stem cells is obtained from the placenta of newborns, for which there is no prohibition. The success is still in the stage of medical experimentation and research, further research is still needed to ensure the safe use of it. In practice therapy using stem cells has started to be promoted in certain cities in Indonesia such as Jakarta and Surabaya.

2.4 Euthanasia

The topic of euthanasia includes several dimensions. The most controversial is what is termed of active euthanasia. Which includes both outright killing of a patient an physician-assisted suicide performed by Dr. Jack Kevorkian. More accepted, that passive euthanasia which includes various utilization of life sustaining treatment, administration of palliative treatment that may hasten a patient death and terminal sedation. (Jason T. Eberl, 2006). Indonesia does not recognize the implementation of euthanasia, one's life is recognized and viewed from the sides of religion. That the life of a dead person is in God's hands. Indonesian criminal law regulates the issue of euthanasia as follows, (Article 344 of the Criminal Code). The cases relating to the euthanasia petition filed with the court and the Supreme Court ended with a judge's rejection decision, although no further details of the person's fate. The Supreme Court retains the distinctive cultural and legal features of Indonesia on natural law. A person's life must die through a natural process and is the power of God to determine it.

2.5 Abortion

The concept of abortion in Indonesia initially strictly regulates that abortion is an illegal act. As time develops problems arise regarding the provision of abortion. There are two views that argue about abortion: pro-life and pro-choice groups. This group exists in Indonesia affected from the phenomenon in America. On January 22, 1973, the Supreme Court ruling legalized abortion in the case of *Roe v Wade* and *Doe v Bolton*, this ruling was highly controversial amongst the US society, giving birth to two camps, pro-life and pro-choice that have painted the lives of US law and politics to date. This incident then increased and became an international trend with the birth of ICPD international meetings in Cairo in 1994 and FWCW in Beijing 1995 (Paulinus Soge, 2008).

The case of abortion is controversial, as it contains a difficult conflict to resolve. Pro life tends to argue that life starts from the moment of conception, whereas the pro choice argues that life begins some time after that, so there is often conflict between the two peoples. The controversy will be greater if it is extended to broader social, economic, and obligatory reasons (such as the embarrassment of having children again, fearing his career is threatened, unable to support the baby, it is unclear who his father is, his father is irresponsible). The views of pro life are supported by religious groups, especially those that are fundamentalistically oriented. Pro-choice views are more widely embraced by feminist and secular-oriented groups. Religion almost tends to be anti-abortion, because it believes that human life was created by God (Muhadjir Darwin, 1997).

Indonesia is a conservative country, with strictly prohibiting the practice of abortion as stated in Article 346 of the Criminal Code (KUHP) and Law Number 36 Year 2009 on Health. Nevertheless, the debate about abortion is not new. There is no single solution that can solve it and not easy to solve it. This is because abortion is related to many things including ethics and human rights. According to the Criminal Code (KUHP)

and Law Number 36 Year 2009 on Health, abortion is a criminal offense. The elements that must be met in an abortion are "deliberately causing the death or death of a woman's contents". The exclusion of abortion is possible only in the case of medical indications, rape and blood relations. At the last two points still expect the fetus to be aborted even though it is not required.

2.6 The Concept of Rights In Indonesia

Usually, people in situations faced with a bioethical dilemma relate it to human rights. Human rights are the absolute right of an individual and are guaranteed by the constitution. The goal is to ensure that the individual's individual interests are not violated by others and even the state. Understanding rights in Indonesia can not be equated with the concept of rights commonly used by western society. The style of communal society is mixing with the rights applicable in Indonesia.

Nurcholis Majid put forward the view of human rights that in 'developing countries', efforts to expand the acceptance of human rights often face obstacles. One of the obstacles is based on the argument that the concept of human rights is made in the west, with connotations as a source of crime of colonialism and imperialism. In the rhetoric of the question of life, the fundamental human rights are the same as secularism, if not atheism. (nurcholish madjid, 1997) Further nurcholish madjid provides some examples, one of which is Lee Kuan Yew's view (senior minister of singapore) that democracy and the idea of human rights are not urgent and are too important for the Asian peoples.

Franz magnis suseno states that western human rights can be realized after the traditional social structures that protect individuals and community groups are no longer empowered and provide a guaranteed place to each group and group that has collapsed. As long as human wholeness is still assured by custom and other social structures, there is no need to formulate a human rights understanding. But in situations of social change where individuals (captured komkamtib), groups of people (farmers' groups whose land is evicted for golf courses), groups (eg minority religions) and tribes (tribal peoples whose forests are exploited) are threatened by state power and other social forces, human rights are increasingly becoming a means of ensuring the unity of individuals, groups, groups and tribes (Frans Magnis Suseno, 1997).

As far as we learn in history, that the provisions of human rights born and developed in the world especially those formulated by the United Nations is that the provisions in UDHR are products that are influenced by the conditions of the western society. Magna charta in Britain, the bill of rights in Britain, the Bill of rights of America, the events of World War II, the events of Germany in Germany and are some of the events that gave birth to the recognition of human rights. Indonesia as a participating country acknowledging and having its own Human Rights Act, basically has different views with the concept of human rights in the West are individualistic. Indonesian figure Sukarno at the time of the formulation of the concept of Ham in the Constitution does not agree that Indonesia needs to set specifically on human rights. Indonesia is a nation with community characteristic communal culture gotong royong. Indonesia prefers group rights.

The provision of individual rights currently embraced within the health care system in Indonesia shows the distance of understanding between an educated and indoctrinated health profession that each individual has the right to self-determination. This includes informed consent, informed refusal, and medical records. The structure of Indonesian society can not fully accept the individual patient-doctor relationship. The decision of a patient is usually influenced by the family environment and the community. Thus, when the limits of individual rights of a society are highlighted in medical decision making there is often a dispute.

For example, in European or American habits a person suffers from a disease then the information about the disease is known only to an individual patient, the matters relating to it are confidential and unorthodox to be discussed with others. This event is different if seen in the life of Indonesian society everyday. If a person suffers from an illness, then the family and even the people around him need and feel interested to know the condition of one's health. These conditions can be described as a form of awareness, sympathy in community life. Whereas, the rights we know in health do not recognize this. Medical information is confidential, only those who are entitled to know the health condition.

3. CONCLUSION

The science of bioethics does not provide a clear answer on how to take a dilemmatic decision. Bioethics provides guidance for understanding and reviewing the concept of life based on shared values. Bioethics provides a guide for a person to take difficult steps or decisions about the concepts of life, death, and the impact of medical technology on human dignity. The principles of bioethics should be used as a reference before making a choice. Aspects of autonomy, beneficence, non-maleficence and justice at least help minimize the potential for deviation from human dignity. The final decision remains with the person in

question or the representative family based on the best decision for an individual or patient. In Indonesia the final decision maker is always influenced by the ethical concept of religious and family views.

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