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Forensic Autopsy: Legal Issue, Religious Issue and Cousin Permission

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Editorial

When there is an abnormal death, the forensic autopsy usually plays important role in searching for the exact cause of death. The good clinical practice in forensic medicine is very important. Basically, the forensic autopsy must follow the standard forensic medicine principle. The example of famous guidelines that can be used is AAPL Practice Guideline for the Forensic Assessment [1]. Nevertheless, there are also many additional concerns on local contexts in each setting. The legal issue regarding forensic autopsy should be mentioned. The details of local law in different countries on forensic autopsy might be different. Practitioner in each setting must well recognize the local legal context and follow it. Another important issue is on the local religious background. Mohammed and Kharoshah mentioned that “Attitudes toward dead bodies vary with religious beliefs and cultural and geographical backgrounds [2].” In Islamic community, the forensic autopsy is rarely done and the unnecessary forensic autopsy should be avoided [3]. Finally, the informed consent principle is still important for forensic autopsy practice, similar to any other medical practices. To get the allowance is the important thing. An important question is “Is Consent to Autopsy Necessary? [4]” As discussed by Lane and Vercler, “When a hospitalization ends in death, a request for an autopsy can lead to an emotionally charged encounter between a physician and the deceased patient’s family [4].” There is an interesting study on “Informed consent in connection with autopsy [5].” Jensen and Thomsen noted that “More than half of all of the groups thought that patients should take part in the decision of performing autopsy, but still the family should be asked as well[5].” In case of forensic autopsy, the dead patient cannot give the consent but the cousin can. The information regarding the necessity for autopsy and the procedure details must be clearly given to the cousin. If there is no good communication between physician and cousin, the problem can sometimes occur. The good example is the recent news regarding the autopsy case in Thailand that the cousin claimed to the social media of disappearance of internal organs of the cadaver (see details of the news on www.bbc.com/news/world-asia-42076375). Focusing on this issue, Krinsky et al. mentioned that “Recent organ retention scandals and law suits have created a focus on the practice of saving postmortem tissues for extended examination or research purposes [6].” Notification of the family is necessary. Krinsky et al reported that “the instigation of a policy on the verbal notification of the next of kin when organs are retained can be successfully implemented [6].” In fact, the standard guidelines on the forensic autopsy given by medical society in each country usually cover these mentioned aspects but the practitioner might forget and does not follow the practical guideline. To achieve the good clinical practice in forensic medicine, the practitioner must well recognize the basic principle and follow the important practice guideline. The local contexts in each setting should be generally considered in performing any forensic autopsy. As noted by et al., “The final consent and interpretation of the rules, laws, traditions, and customs will rest with the courts and local rabbinic authority [7].”

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