

## Patients' Rights from the Viewpoint of Islam

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### ABSTRACT

Islam pays a great deal of attention to the issue of health and treatment in its doctrines. It comprises decrees and regulations in terms of patient's rights, which have been mentioned in various texts. One of these decrees and regulations, in which the issue of a patient's right is of importance, is the significance and vitality of facilitating the treatment of patients, considering a doctor's specialty, inspecting the patient with adequate attentiveness, taking care of patient's mental and psychological aspects and preventing patient's medical secrets from divulging, etc. This article has been written using well-accredited resources associated with Islam and jurisprudence, and attempts to investigate patient's rights in Islam.

**KEY WORDS:** Patient's rights, Islam (religion), Quran, jurisprudence, sick

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### INTRODUCTION

One of the most important issues in Islam is to consider the physical and mental well-being. Some of the divinely – ordained obligations and prohibitions have been explicated so as to promote health and prevent infliction with mental and psychological disorders. Well-being or lack of well-being is so much crucial both in individual and society's scales, although, there exists no society which is exempt from and unsusceptible to the concerns related to individual and social diseases. Hence, the human being has always been exploring the reasons behind the emergence of diseases and the ways to prevent them. Apart from ordinary human beings, God's messengers and narrators of revelation have also advised humans to observe and maintain physical and mental health and have mentioned recommendations and instructions in recognizing physical and mental plagues and the preventive measures. Almighty God, in Quran, emphatically declares "purification" and psyche and soul cleansing as the only approach to achieve human's prosperity and blissfulness [1]. Islam is a comprehensive religion and have a lot of comments on the different aspects of the life [2-4]. In Islamic doctrines, there is a great extent of emphasis on physical and mental well-being. However Jalilzadeh and Abdollahi studied removing organs from anencephalic infants in Shi'ite Islamic jurisprudence. According to Shi'ite Islamic jurisprudence, experts of Muslim law have allowed to harvest the organs of person with brain death so this rule is enforced for children with Anencephaly. According to the rule of Necessity, even in cases of emergency, permit of parents is not necessary [5].

Imam Ali (AS) [6] observes: "Health is one of the splendid divine blessings and it does not receive the merit it deserves unless one loses it." [7]

### METHODOLOGY

In this article, the data was collected through library-based research (using well-accredited Islamic and jurisprudent resources, etc.) and then has been studied and investigated.

### FINDINGS AND DISCUSSION

A patient, as a member of the human society who has suffered damages and harm, is indeed entitled to benefit from special rights endowed by those people living in the same society and those working with them, in addition to the typical and general human rights [8].

Islam religion takes all aspects of human life into account and prescribes rights for each case (healthiness and disease) [9]. Its thorough consideration of medical science and the role of Islamic doctrines in its expansion indicate the importance of health in various physical, mental, social and moral dimensions in this holy religion and that Islam regards health issues as an integrated set as a whole, while emphasizing prevention. Adopting the same approach during its 1400 year teaching, it promotes, in terms of health, this saying that "a sound mind is in a sound body". [10].

A patient cannot resort to anybody except God when it comes to the diseases and their treatment. At the same time, a patient, with all his/her wishes and hopes, is commanded by God to ask for help from another

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person being appointed; the person concerned is no one except a qualified doctor; because it is only a doctor who can cure a patient and alleviate his/her pains and move him/her towards a safe beach. On the other hand, a doctor takes on the greatest and the most challenging responsibility both in terms of providing materialistic aids, i.e. the provision of medicine and effective treatment and supplying mental and psychological assistance, i.e. boosting the patient's morale and as such, he/she should observe a patient's rights [11]. Islam has also defined valuable principles as to the definition and explication of a patient's rights, in case of contracting diseases and the lack of well-being. According to religious tenets, it is also possible to explore a patient's rights from the perspectives of "the right to live", "human's innate right of dignity", "right of ownership", "right of health", as well as "the risk principle", "the principle of informed consent", "the principle of keeping secrets", "the principle of taking care together with sympathy and compassion" and "the principle of commitment". With respect to the definitions provided on the issue of rights, let's first define it [12].

"Rights" is an easy and difficult word. Everybody uses it and perceives its meaning briefly but it is too difficult to define it. In this article, the word "rights" means "the rights versus the obligation", such as the right to live, the right of equality versus the law. Individual and social obligations and assignments arise from the law. No authority or regulation can deprive human being from these rights. The word "rights" (in this sense) refers to the affairs which provide humans with a healthy life. The affairs whose possible violation on the part of a person is considered as a "crime" and it is feasible to sue against such a trespasser of rights. It is not only the case that such a violator of rights has merely committed religious sins and is to be questioned and impeached in the eternity (or afterlife). The set of these rights constitutes "the science of rights" which has a distinct boundary with the morality. The violation of morality criteria is not necessarily ensued by worldly punishment. At the same time, the trespassing of some rights is regarded as a crime in some dimensions and is deserved of worldly punishment [10]. According to what has been mentioned before, it should be noticed that one of the divinely – ordained obligations is to preserve human's dignity and value and that respecting the patient's human personality in terms of beliefs, cultures, faith and moral ethics is a significant and fundamental factor in improvement and recovery from the disease.

## RESULTS

Religious doctrines in Islamic resources, verses, Quran and narratives confer highly-respected and dignified sacred status to the human beings. He is God's caliph in the entire world and God's breath has been blown into his soul. Therefore, each person possesses enormous dignity and Lord bestows each individual with whatever personality a value amounting to all the rest (of people). This human dignity should form the basis of all decisions about human's body and soul. In addition, according to what is cited in verses and narratives, particular attention is paid to a patient's rights, such as a patient's right to give consent before undergoing surgery, a patient's right to expect visit from others, the realization of paying a visit to the sick, the consideration of a patient's condition during the visit, etc.

## CONCLUSION

With respect to the conducted studies and researches, it can be concluded that despite the existence of commitment and faithfulness to obvious principles of medical expertise, the preservation and observance of a patient's rights in our country has been deeply and densely inspired by and stemmed from Iranian – Islamic doctrines for a long time and according to some resources, this dates back to the era before Hippocrates. At a glance, it can be said that in Islamic school and thinking, the importance of medical expertise and its direct relationship with people's wealth and life on the one hand, and the fallible human being's susceptibility and exposure to the sins on the other hand, have caused medical sciences' intelligentsia to designate Islamic decrees and medical advices in various forms such as affidavit, a letter of advice, medical praying (and devotions) so as to respect a patient's rights, in an attempt to avoid slips during the fulfillment of this grave task.

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