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Bioethics Issues in Islam

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ABSTRACT

This article analyzes the approaches of bioethics in the Islamic religion to the issues of patient rights, organ transplantation, and abortion, and legal and religious relations regarding these cases are considered.

KEYWORDS: Islam, Sharia, human rights in Islam, bioethics, bioculture, organ transplantation, abortion issues.

As bioethics develops, so does the focus on the concept of human rights. There is a direct connection between these two concepts. Many international documents on bioethics have been developed based on the Declaration of Human Rights. For example, the purpose of the UNESCO Declaration on Bioethics and Human Rights is to develop universal principles of human rights and dignity. However, Islamic countries have some unique views on human rights from a religious perspective. In 1948, many (but not all) Muslim countries signed the Universal Declaration of Human Rights. However, the question arose whether this declaration is in accordance with Sharia? On August 5, 1990, 45 member countries of the Organization of the Islamic Conference (now the Organization of Islamic Cooperation) adopted the Cairo Declaration of Human Rights in Islam, trying to define human rights in accordance with Sharia. This declaration is undoubtedly one of the most important human rights documents in Muslim countries. Article 24 of the Cairo Declaration states: "All rights and freedoms announced in this declaration are regulated by Islamic Sharia." Article 25 states that "Islamic Sharia shall be the sole normative source for the interpretation of any article of this declaration." However, the Universal Declaration of Human Rights and the Cairo Declaration were criticized by Islamic countries because they were foreign to the cultural context and did not explain what Sharia actually is, and because there was a possibility of two different interpretations of its principles.

In general, the concept of bioethics is a concept belonging to the West, in Muslim countries, the work of creating potential in the field of bioethics began twenty years ago, in which the work done in Iran, Pakistan, Egypt, Turkey, and Malaysia is particularly commendable. In addition, bioethics, research institutes, and academic centers are operating in many countries. The fact that this issue is an important problem in the field of bioethics, and the formation of bioethics potential is of critical importance for Muslim countries.

The problem of patient rights took the fifth place in the rating. In Islamic societies, the concept of patients' rights is very important, and in some countries, national laws and other documents protecting the rights of patients are being adopted. However, there are a number of factors that make it difficult to create a medical

service system in which the patient can be the center of attention. Medical paternalism prevails in the health care system in Islamic countries, that is, the doctor has absolute power to make any decision. Second, the family plays an important role in many aspects of medicine. Thus, concepts such as patient-centered medical care and patient rights are understood differently in Islamic countries than in the West.

Fifty years ago, a long-running debate began between Islamic jurists and doctors over brain death and organ transplants. This issue is still considered "complex" in many Muslim countries and ranks sixth in the ranking of bioethical issues. In general, there is no clear guidance in the Qur'an and Islamic traditions on the issue of brain death. That is why jurists have tried to solve this issue, that is, because it is a matter of *ijtihad*, different views have been formed on this issue. However, based on the importance of preserving human life in Islam, most Muslim countries have developed the necessary laws to allow organ transplantation from a dead body after brain death.

In Islamic bioethics, the seventh rank of the priority indicator is occupied by the individual's desire based on freedom and awareness. A close study of Islamic bioethics confirms that here, as in the West, informed desire is given the same importance in the process of biomedical research. However, if we talk about the freedom of the individual, especially in clinical settings, unlike in the West, where bioethics is considered the most important pillar, the concept of individual freedom is hardly reflected in Muslim societies. As a matter of fact, the following two main concepts of Islamic bioethics are followed as basic rules in the development and decision-making of public health policy in Muslim countries regarding the freedom and rights of the individual: the benefit of society (*maslaha*) and the rule of "do no harm".

A study of the decisions made by several Islamic legal bodies, such as *Majma al-Fiqhi al-Islami* (Islamic Jurisprudence Council) in Saudi Arabia, shows that in the process of issuing judgments, Islamic scholars try to balance the potential harm and benefit to society. In their decisions, it is possible to find a solution that compromises the interests and needs of the society and the individual, and in some cases, the interests of the society are put above personal interests and rights.

It is known from the debates in the field of bioethics that "principalism", including principles such as respect for the independence of the person, not harming him, acting based on his benefit, and justice, are of primary importance in the popularity of this field and are considered a useful tool in solving bioethical dilemmas. . According to the opinion of most experts in this field, such an approach is insufficient to solve the moral problems facing the Muslim society. Because there are cultural identity and guidelines that have been formed in the Muslim society for a long time, which, in particular, the principles of Islamic law serve as pillars in the development of Islamic bioethics.

Currently, there is growing interest in separating biomedical ethics from Islamic ethics. Sometimes such actions are criticized as "an attempt to combine the principles of Western biomedical ethics with the Islamic ethics created by the Sharia system, without studying the natural and religious factors of this issue." In general, the principles of social welfare (*maslaha*), prevention of harm (*la zarar wa la dirar*), justice, necessity, and protection from disaster are often found in Islamic bioethical literature. The very fact that the specialists of this field put the "Basics of Islamic Bioethics" in the eighth place shows the need to adopt the rules of biomedical etiquette (ethics) built on the Islamic basis and acceptable to all participants of the field with the participation of scholars of Islamic jurisprudence, ethics, philosophy and medicine. It should be noted that the methodology is the most important when developing such rules.

Abortion is a complex issue, and all societies and religions have different attitudes towards it. The main rule of Islamic jurisprudence on this issue is that abortion is forbidden if the continuation of the pregnancy endangers the life of the mother, provided that the fetus does not die (permissible). In general, according to the union of all sects, the decision on artificial termination of pregnancy is intended to save the woman's life. However, it is known that sectarian jurisprudence on abortion has different views. In practice, most sectarians do not take into account the fact that the fetus is alive when deciding on abortion, or because of their different interpretations of the word "animate", they come to different decisions. It should be noted that none of the sects allow abortion after the spirit enters the fetus. Compared to other bioethical issues, abortion is the ninth most controversial issue because it concerns many people.

The last of the top ten problems of bioethics in the Islamic world is the "Commission on Bioethics". About ten years ago, with the recommendations of international organizations such as the International Health Organization and UNESCO, national commissions on ethics began to be established in Muslim countries. At this point, it should be noted that in the answers given by the respondents to the 20 questions created within the framework of the ethics of scientific research (including the "Commission on Scientific Ethics"), it was found that the problems of bioethics were not even included in the first ten. It is clear from this that the respondents who took part in the survey were more interested in the activities of the "ethics commission", in particular, in the issues of medical consultations and organizational ethics, rather than in "scientific research ethics". At the same time, the number of Islamic countries in multinational research projects is increasing today. In this sense, the competence of the commission on ethics includes, in addition to general issues, the supervision of the process of managing, financing and protecting the participants of these projects from abroad. As mentioned above, there were other issues that were not included in the rating in the survey questionnaire. For example, embryo donation and surrogate motherhood are used only in Iran, and are prohibited in other Muslim countries, so these issues are not a hot topic worth discussing, and are not a priority bioethical issue in most Muslim countries. Also, the issue of nanoethics, which is implemented with the help of complex modern technology and resources, has not yet reached the priority issues in the field of bioethics in Muslim countries. However, the reasons why other important bioethical issues, such as the ethics of nature protection and the protection of women's health, have not become one of the priorities of bioethical debates in Muslim countries, will still need to be implemented again.

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