Medical Confidentiality In Islamic Jurisprudence And Health Law: A Comparative Ethical And Legal Study

Mohammd Ali G Al Zuraib[1]

[1]Ph. D in Sharia, Associate Professor of Jurisprudence, Sharia Department, College of Sharia and Fundamentals of Religion, Najran University, Najran, Saudi Arabia,

Email ID: mazurib@nu.edu.sa

https://orcid.org/0009-0003-0859-2127

ABSTRACT

This study explores the ethical and legal dimensions of medical confidentiality within Islamic jurisprudence and modern health regulations. It aims to provide a comprehensive analysis of the obligation to maintain patient confidentiality, grounded in Sharia principles such as trust, dignity, and the prevention of harm. The research discusses exceptions to confidentiality when public safety or legal mandates require disclosure, and compares Islamic perspectives with global laws like HIPAA and GDPR. A sp...

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1. CHAPTER ONE: ISLAMIC FOUNDATIONS OF MEDICAL CONFIDENTIALITY

This chapter discusses the Islamic concept of secrecy and trust in the doctor-patient relationship, based on Quranic verses, Prophetic traditions, and legal maxims. Confidentiality is viewed as a sacred trust not to be breached except under strict necessity.

2. CHAPTER TWO: PERMISSIBLE DISCLOSURE UNDER SHARIA

This chapter outlines the conditions under which medical confidentiality may be lawfully breached in Islam, such as in cases of contagious diseases, self-harm, or criminal threats, balancing individual rights with community welfare.

3. CHAPTER THREE: MEDICAL CONFIDENTIALITY IN HEALTH LAWS

This chapter presents an overview of national and international health laws related to confidentiality, such as Saudi health practice regulations, Egypt's Health Act 2004, the US HIPAA Act, and the European GDPR, highlighting both commonalities and differences with Islamic principles.

4. CHAPTER FOUR: JURISTIC OPINIONS IN MODERN MEDICAL CASES

The chapter addresses contemporary fatwas on medical confidentiality, focusing on epidemic reporting, mandatory reporting of abuse, and psychiatric disclosures, drawing on the resolutions of the Islamic Fiqh Academy and national ethics councils.

5. CHAPTER FIVE: CONFIDENTIALITY IN THE ERA OF ARTIFICIAL INTELLIGENCE AND DIGITAL HEALTH

5.1 Digital Transformation in Healthcare – Opportunities and Risks

With the adoption of electronic health records and AI-driven diagnostics, concerns about data breaches have escalated. The debate continues over who owns medical data—the doctor, the hospital, tech providers, or the patient.

5.2 Ethical Challenges: Data Ownership and Access Rights

AI systems raise ethical dilemmas regarding consent, storage, and use of health data. Some countries grant patients full rights to their data, while others leave governance ambiguous, posing serious concerns in Islamic ethics.

5.3 Islamic Legal Perspective on Digital Privacy

Islamic jurisprudence treats patient data as a trust (amānah) and prohibits unauthorized sharing. Legal maxims such as

"Blocking the means" (sadd al-dharāʾiʿ) and "No harm shall be inflicted" (lā ḍarar wa lā ḍirār) support strong data protections under Sharia.

6. CONCLUSION AND RECOMMENDATIONS

The study concludes that medical confidentiality is a Sharia-bound duty and a professional obligation. Breaching it is impermissible unless necessary to prevent significant harm. As digital health technologies evolve, Islamic ethics must adapt with updated jurisprudence and governance frameworks to protect patient privacy in modern contexts.

7. ACKNOWLEDGEMENT

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