

Review article

The Relationship between Patients' Informed Satisfaction and Medical Ethics from an Iranian Legal Perspective

¹Seyed Mohammad Asadinejad , ²Seyedeh Maryam Asadinejad*

¹Associate Prof., Department of Law, Faculty of Literature and Humanities, University of Guilan, Rasht, Iran,

²Medical Doctor, Faculty Member, Law Department, Ahrar Institute of Technology and Higher Education, Rasht, Iran,
Corresponding author*



Abstract:

One of the most important rights of patients is to provide acceptance along with consent for treatment. This acceptance is done through informed consent by patients. Informed consent is taken from the patient by the treating doctor or treatment staff. According to the legal laws of the country of Iran as well as the order of the patient's rights, to perform any treatment process, an informed consent must be obtained from the patient by the doctor and the treatment staff. Otherwise, they have committed an illegal act. It should be noted that obtaining informed consent from patients and their guardians is not necessary in emergency situations where time is important to help the patient and save his life. Obtaining informed consent from patients has the advantage for the treatment staff that, in case of unforeseen events or possible complications, their legal and criminal responsibilities are reduced. One of the important elements in informed consent is having the consent of the patient. that this is possible only with the active participation of the patient in the treatment, And in order to achieve this goal, the information and the entire process of the disease and the side effects and alternative treatments must be explained by the doctors and the treatment staff before starting the treatment, according to the understanding of the patient and his legal guardian. And after explaining it, we must make sure that the patient and the legal guardian have understood all the explanations of the doctors and the treatment staff. If the above procedures are not performed by the doctors and the treatment staff, and if the informed consent is not obtained from the patients and their companions, the treatment staff can be subjected to legal action. Therefore, in order to achieve a favorable result from the treatment, a correct interaction must be established between the doctors and the treatment staff and the patients and their companions, and the sense of trust and psychological security should be strengthened in them. Therefore, by obtaining informed consent from the patients by the doctors, in case of problems during the treatment process, the doctors are protected by the law and the legislator and the judicial system support them and the burden of their responsibilities is reduced.

Keywords: Informed consent, patient, physician, information, patient's rights.

Introduction:

In contemporary legal systems, one of the most important rights of the patient is the patient's awareness by the physician of his illness and the treatment process.^[1] That is, the treating physician is obliged to provide sufficient information to the patient about his disease as well as the manner and process of performing and receiving treatment services. One of the most important things to conclude a proper treatment contract is to obtain the patient's consent. That is, the patient agrees to the

treatment process. In order to obtain patient satisfaction, we must fully inform the patient of the risks and side effects of treatment. On the other hand, considering the change in the type of relationship between the doctor and the patient and leaving the patriarchal position, One of the important duties of doctors is to provide sufficient information about the patient's condition, And he can make the best decision in order to have a quality life for himself according to his situation.^[2] Patient consent must be informed consent. To achieve informed consent, all

stages of treatment must be clearly explained to the patient. For the first time in Iran, in 2002, the Charter of Patients' Rights was drafted. It was announced by the Deputy Minister of Health of the Ministry of Health and Medical Education(MOHME). Paragraph 3 of the Charter of Patients' Rights (2001) clearly states that: The patient has the right to request the necessary information in person or, if desired, through a relative about the stages of diagnosis, treatment and progression of the disease, so that in medical emergencies, this should not lead to delays in treatment or physical threat to the patient. The first human law to control medical practice was written in the ancient inscription of Hammurabi. The Hammurabi inscription, which dates to 2200 BC, in early 1901, it was discovered by the Jacques de Morgan Exploration Team in the city of Susa in the province of Khuzestan, and was excavated by Gustave Jacques.^[3] It is still housed in the Louvre Museum in Paris.^[4] Preparing and adjusting patients' consent to receive medical services is not a new issue. In Rome and Greece, physicians received written acceptance from patients before performing medical services. The question now is, what are the legal requirements for informed consent? And why does the doctor ask the patient for consent? Is it necessary to obtain consent at all times? So that the patient can easily make the right decision about how to treat and choose the treatment measures And that decision determines the patient's fate, To avoid any ambiguity and questions in the patient's mind, the treating physician should explain all the information in a simple and understandable language to the patient.^[5] And fully justify and understand the patient. Therefore, the physician's mission is to inform the patient, to acknowledge and guarantee the independence and freedom of will, and to select the patient as a fundamental and exclusive right.^[6] It is suggested that we motivate the patient to make an accurate and prudent decision based on his assessment of the amount of benefit and the extent of damage and risks of receiving various medical services.^[7] And the treating physician strengthens the patient by creating a context, curiosity and motivation to receive information about the disease and the method of treatment and the advantages and disadvantages of different types of treatment. It should be noted that the information that the

physician gives to the patient should be correct, honest, sincere and kind, as well as accurate, clear and in-depth. Be worthy, good and appropriate to the patient.^[8] The physician is concerned with presenting information about the patient's illness in a way that is understandable. Therefore, it should measure the level of literacy and knowledge and information and understanding of the patient. The physician should always consider the patient's literacy and information at all stages of treatment. And, accordingly, answer the questions that arise in the patient's mind. Patient questions may arise about the types of treatments and the different ways in which treatment processes are performed and how long the types of treatments can take, as well as the differences in the costs of different types of treatment in different parts of the community. Can the public sector, the private sector, charities, types of hospitals, types of clinics and most importantly the types of insurance that cover the types of medical services. The physician must answer all those questions carefully and patiently and resolve the patient's ambiguities. and ask the patient to talk to him,^[9] and listen to the patient's expression through collaborative inquiry.^[10] The basic principle is that the physician must explain to the patient in detail all the basic and effective information in the decision-making process at all stages of diagnosis and treatment.

Background:

Few studies have been done in this regard, but recent studies by researchers have shown that in most forms of consents filled out by patients or their companions, in terms of capability and ease of understanding and Clear and precise ambiguity of subject and content needs to be corrected and changed. One of the most important reasons is that Understanding and resolving the clear and precise ambiguity of the topic in patients who have education below diploma Or they do not have favorable social and economic status, It is more difficult for people with high university education in non-medical fields or patients who belong to the affluent classes of the society. for this reason It is possible that these people without a clear and correct understanding and solving the exact ambiguity of the issue, Sign the consent form. And a consent form is created that has the heart and inner consent of the patient or his companions, but without knowledge. While the consent must be informed and

From the legal point of view, intention and satisfaction are achieved through human knowledge and understanding of a subject. Now, if sufficient and correct information is not given to the patient, there will be no true and informed consent. We must pay attention to the objective and subjective criterion to distinguish the intention and informed consent based on correct information and data from incorrect information. The meaning of the subjective criterion is that under any circumstances, the real intention and satisfaction of the patient must be ascertained through the transmission of correct information. So that the statements and actions are the same with his intention and satisfaction. The mental criterion actually emphasizes the mental state and individual and personal characteristics. Such a person who signs the contract with informed consent will not be an additional contract. While an objective or kind criterion is sufficient to evaluate the intention and satisfaction of the patient, attention is paid to a common behavior model that is used by almost the general public and they express their intention and satisfaction equally in all contracts. It is obvious that the use of the subjective criterion will lead to informed consent being obtained according to the individual's mental state and personal and professional characteristics. Meanwhile, in the standard type, it is done by simply signing the patient in a contract that is similar to the supplementary contract. Although this criterion is used in commercial and civil transactions But it cannot be used in treatment contracts with informed consent. Rather, it is necessary to examine each case separately. In the researches, the patient's understanding of the form of satisfaction was in a good condition However, it should be noted that in the studies conducted between different groups in terms of the level of university education and the level of specific and general literacy, a significant difference has been seen.^[11] Therefore, considering these differences and differences, it is suggested that, Informed consent forms should be prepared and adjusted according to the level of understanding and literacy of patients and their companions.^[12] Or the officials involved in the process of obtaining informed consent, especially physicians, are advised to be aware of the level of education of patients and based on that to provide information about the

disease, etc. to patients at a level commensurate with the education of patients.^[13] University education increases the awareness of patients, and as a result, they express their satisfaction with more awareness.^[14] In a study on the quality of informed consent of patients admitted to surgical wards in a military hospital in Tehran in 2016, The average score of information presentation was 18.93. That the patients' decision-making competence was acceptable. The most important of them, Allocating sufficient time to the patient to choose the treatment method.^[15] The manner and status of providing information and obtaining written consent has been lower than expected. Because the patient plays a key role in conscious consent, The physician is obliged to convey sufficient information to the patient. Senior physicians should also teach physicians who teach medical science how to provide information to patients and their companions. And most importantly, they should give patients and their companions ample opportunity to choose the right treatment. The above are effective in improving the quality of informed satisfaction. A study was conducted in 2007 in Kashan teaching hospitals. 300 patients were randomly selected. One of the things that patients expressed after reading the consent was: The text and content of the consent is not understandable to them. They do not understand the content very well. Patients also want to be aware of the side effects of the treatment or alternative therapies associated with their disease. These two cases expressed by patients are not clearly specified in the text of the consent or were not understood by them.^[16] One of the subtleties that can be done in this study is that 80% of the patients were qualified enough to sign the informed consent form. At the time of obtaining their consent, only 55% of the patients had given their consent. In this study, it was observed that approximately 4% of the patients who approved and signed the informed consent form did not have sufficient and necessary qualifications to express consent at all. Interestingly, approximately 60% of the third parties involved with the patient were not qualified to respond to the informed consent form. In no case was the exact relationship between the satisfactory person and the patient specified. It should be noted that about 75% of the applicants were not given enough time to study the informed consent form. It is necessary to act more

carefully and delicately regarding the manner of obtaining informed consent and to emphasize more on the ethical process of service. It seems that by conducting more complete and extensive research, a single and complete form of informed medical consent should be designed, so that it can be used optimally and efficiently in all treatment units. In this way, multiplicity and dispersion are prevented. And creates a cohesion and unity.

General:

Informed consent:

Satisfaction literally means gratification^[17], permission, and leave. In informed consent, There are 5 prerequisites, which include providing information to the patient, the patient's understanding of the information, decision-making authority, explicit or implicit consent, and voluntary consent. To the patient's consent or The legal guardian for informed diagnostic or therapeutic measures is called informed consent.^[18]

Patient:

The word "patient" in Persian consists of two parts "Bi" and "Mar". "Bi" in Persian means: to be without anything. "Mar" in Persian means: snake. The word literally means: someone who does not have a snake. And this is based on the belief of the ancient Iranians, that is, a person who is not healthy and is unhealthy. Another narration is mentioned among the people, from the root of the word "Bimar", In principle, if we divide this word into two parts "Bim" and "Ar", And consider the second part of the word as an abbreviation "Avar", We find that a "Bim Avar" themed combination is obtained. And this combination in Persian means something that scares people and This is nothing but a loss of health. Some linguists believe that "Mari" in the word "Bimar", It means "Mir" and "Mir" is Future verb of "Mordan", Therefore, the word "Bimar" has no meaning except "immortality". In Dehkhoda dictionary, "Bimar" means disabled, ill, painful and suffering.

Physician:

Doctor who specializes in the medical profession, which is the restoration of human health through interviewing a patient and studying, diagnosing and treating a disease or injury. In the past, in Persian, it was called "Hakim" or "Tabib".

Treatment:

An attempt to fix or resolve a health problem, usually looking for a way to fix the problem and return it to its original state.

Medical ethics:

A system of ethical principles and rules that applies values and judgments in the field of medicine.^[19]

Patient rights:

What is given to the patient as a human being by doctors and the government. Who is defined as a human being in various jurisdictions due to their culture and customs. And these rights must be respected by treating physicians and those involved in treating the patient. And be used properly.^[20]

The importance of correct or incorrect information reaching the physician:

In order to obtain informed consent from the patient or the patient's companions, our criterion is to provide information that has reached the physician and the treatment staff during the patient's treatment. And information obtained by physicians and other therapists. To check the accuracy of the information, we can get help from the medical records department, which provides important services to the patient and the doctor.^[21] The information must be correct, the nurse does not report what he thinks happened or what someone else described. He notes only the information he obtained through observation or examination; He also avoids using expressions like "seems" or "apparently" and...^[22] If false information is received by the patient or his companions, as well as by nurses or other physician colleagues about the disease, If the doctor does not check the accuracy of the information he has received, And has failed to complete, clarify, and remove ambiguity and self-assurance in the information received, either from the patient and his companions or from the treatment staff and other nurses and physicians involved in the treatment of that patient. And does not complete the required information and does not resolve the ambiguities and is not sure, has failed and is to blame. Receiving incorrect and vague information causes the doctor to give wrong information to the patient and his companions. This information includes the probability of successful treatment and other side effects and Therefore, if the evidence shows that the physician has failed to receive the correct

information, the physician is responsible for the failure to warn the patient and the patient's companions or to obtain informed consent. Therefore, if the evidence shows that the physician did not fail to receive the correct information, the physician will not be liable for negligence in warning the patient and the patient's companions or obtaining informed consent. Therefore, collecting information correctly is very important, in the process of clinical education, the documented information in the patient's file is one of the most important references in teaching hospitals, and besides playing an essential role in diagnosis and treatment, It also affects the quality of medical education.^[23] As we know, patient treatment is a very important issue, and often should not waste time treating the patient and time is of the essence. adequate and comprehensive information transfer should be done in such a way that we save time to start treatment and do not waste time. therefore, in order for treatment to begin as soon as possible, the patient must make a decision quickly. To avoid wasting time, physicians and treatment staff are required to provide basic and effective information that plays a key role in the patient's decision, at any stage of treatment. and must explain specifically to the patient. Informed consent and participation of the patient in his own decisions will speed up the process of his recovery.^[24] It is therefore recommended that in order to provide sufficient and basic information to the patient and the patient's companions, A criterion must be set so that using this criterion, Separate unnecessary and unimportant information from important essential and non-essential information. It is noteworthy that the jurisprudence of legal systems differs in determining the cases and criteria by which basic information can be identified.

What is patient informed consent? Can patient consent be uninformed?

What does Informed consent mean? Informed consent means that the patient consents to the treatment process by receiving the necessary and sufficient information about the type of treatment that has been prescribed for him. In fact, informed consent is a process in which the patient or his legal representative understands and agrees to the treatment plan.^[25] What is meant by true consent? True consent is an overall consent with the treatment.

Informed consent is different from true consent. In Informed consent, consent alone with the type of treatment is not enough, Rather, in order to receive informed consent, complete and comprehensive explanations should be given, in accordance with the patient's understanding, about the type of treatment and process, and the types of treatment methods, etc. Hsieh and Partners , considers patient satisfaction to be the result of the synthesis of experiences related to patient expectations, health status, and health system interventions.^[26]

How to express the patient's consent to doctors and treatment staff?

There are two ways to express consent by the patient or his companions, It is Explicit consent and Implicit consent. Explicit consent is the consent that the patient explicitly allows the physician and treatment staff to take any necessary steps to begin and continue treatment. The patient and the patient's companions can express their explicit consent in two ways. In the form of Oral or written. So explicit consent is of two types, explicit verbal consent and explicit written consent. Explicit written consent is considered a formal consent. But explicit verbal consent is an informal consent. To avoid future disputes between patients and patient companions and patient caregivers and physicians and other treatment staff, it is best to have explicit consent in writing and formally. In the event of a dispute between the parties, formally cite the signature and other written documents contained in the express written consent. The second type of consent can be explained by the example that when the patient or his guardian requests an ambulance by phone, That is, he implicitly expresses his consent to the medical staff to begin the treatment process. This satisfaction is called tacit or implicit satisfaction. Other examples include announcing a request for a tooth extraction, or announcing a request for nursing care, and so on. . But there is a third type of consent, It is the Informed consent of the patient or the patient's companions or the patient's guardian, With full knowledge of the type of disease and treatment process and method of treatment and effects of treatment and ... Express their consent to the doctors and treatment staff. Informed consent is more important and stronger in terms of these characteristics than explicit consent and Implicit consent. From the free consent of the

qualified person (patient) to participate in treatment or research decisions following knowledge of its nature, purpose and consequences, believing in the impact of this participation in choosing the most effective and useful treatment method.^[27] Informed consent is the process by which a patient or legal representative understands and agrees to a treatment plan.^[28] In Informed consent, the patient voluntarily intervenes completely freely in treatment or research decisions. We need to know that the patient must express his consent before treatment. Which is one of the most important legal rights of the patient and the patient's companions and legal representative. One of the important tasks of physicians and treatment staff is to make the information explicit, clear, accurate, available to patients and patients' companions or their legal guardians while the diagnostic and treatment process is underway. One of the most complete information they need to provide is how to do the treatment and the types of treatments and alternatives, the side effects of the treatment, and the advantages and disadvantages of each. As physicians and treatment staff provide patients with complete information, they must give the patient the opportunity to make decisions as well as create the context in which the patient can use his or her judgment. Therefore, in order for the physician to achieve his goal, the explanations he gives to the patient or the patient's companions or his legal guardian must be commensurate with their understanding. Also, when presenting information and expressing his recommendations, do not apply his personal opinion to them indirectly. In other words, physicians and treatment staff are required to provide at all stages of medical, diagnostic and therapeutic treatment, important and basic information that leads to the decision of patients and their companions and their legal guardian has a definite and effective effect. The most important reason is that patients and their companions can make the final decision only by receiving this information in full, and by giving patients and their companions access to information and their legal guardian, it can be proven that they had informed consent to perform the treatment process. If the patient is not qualified to express his or her consent to the treatment process, qualified individuals should express their consent to the patient, such as a guardian or legal guardian or

court or any other position that legally has the dignity and degree of patient satisfaction. Expression of consent in children is done by their parents, doctors and treatment staff are required to receive informed consent from their parents to perform treatment processes in children. Minors, lunatics, or those who are unconscious or have forgetfulness, lack power are clean and Their situation has no value and legal validity and the doctor must be treated before treatment Such patients should also obtain the consent of their executor or guardian, except in urgent cases Consent is not necessary.^[29] There are five important issues from patients' point of view that should be present in informed consent in surgery: as follows: Important side effects, Quality of life afterwards, The result of surgery, Risks of not performing surgery and Life expectancy after surgery.^[30] In order to prevent the assignment of a criminal description to the actions of doctors and medical staff, Informed consent must be obtained before performing any medical and surgical procedures. but it is necessary to know that the validity of informed consent is also important, For example, suppose the patient gives his informed consent to the doctor to perform a certain surgery. But hours before the surgery, he gives up his consent, If the patient withdraws, before starting the surgery, the doctor must also stop the treatment. This means that the consent of the patient or his guardian must remain valid until the start of surgery and treatment.^[31] So, in general, it should be said that in order to receive informed consent from patients or their companions or legal guardians, the following conditions should be considered: The first thing is to provide complete and comprehensive information to the patient, , one of the most important reasons is that in today's fast-paced world with complicated relationships and the discovery of new treatments, Providing information to patients should be done correctly and In case of incomplete information to patients, we will be responsible for its unforeseen consequences. The next issue is to make sure that the information we have conveyed to the patient is fully understood by the patient. So, to achieve this goal, we must put ourselves in the patient's place and by creating sympathy and proper communication, we can convey information according to the understanding of the patient and his companion or legal guardian. Among

other things, it is the decision-making competence, that is, they have the legal competence to provide consent and legal acquittal. People who do not have the will and consent, such as the insane, minors, and people who are unconscious in an emergency situation, There are people who are not competent to make decisions, because their intentions and satisfaction are distorted. Also, legally, children under the age of 18 do not have the legal capacity to provide consent and acquittal. The next item is express or implied consent as described in the previous pages. The most important issue is that the declaration of consent by the patient or his partner must be voluntary. The patient should not be pressured, or doctors or medical staff should not impose their opinions indirectly on the patient and her companion. Conditions should be created so that the patient can make the best decision for himself with a calm mind and spirit and be sure that the decision he made is the best for him.^[32] In fact, the main and final goal of receiving informed consent from the patient is that, The patient can be protected from unforeseen events. And based on the principle of individual freedom, no one can be forced to do something by resorting to force. Also, God says in the Qur'an in verse 256 of Surah Al-Baqarah: There is no compulsion in religion: rectitude has become distinct from error. So one who disavows fake deities and has faith in Allah has held fast to the firmest handle for which there is no breaking; and Allah is all-hearing, all-knowing. The famous Islamic commentator "Tabarsi" narrates in "Majma' al-Bayan" regarding the revelation of the verse to the Prophet of Islam: A man from Medina named Abu Hassain had two sons. Some of the merchants who imported goods to Madinah. When dealing with these two boys, they invited them to the belief and religion of Christ. Both of them were deeply influenced and entered this religion. When they returned, they went to "Sham" together with the merchants. "Abu Hassain" was saddened by this situation, he informed the Prophet (peace and blessings of Allah be upon him) and asked him to return them to his religion and asked: Can he return them to his religion by force? The above verse was revealed and it stated the truth that: "There is no compulsion or reluctance in leaning towards religion."^[33] It is mentioned in "Tafseer al-Manar": "Abu Hassain" wanted to return his two

children to Islam by force, they came to the Prophet as a complaint. Abu Hussain said to the Prophet: How can I allow my children to enter the fire and I watch over it? The discussed verse was revealed for this purpose.^[34,35] Also, Hojjat-ul-Islam Mohsen Qaraiti in his speech in the commentary of Surah Baqarah verse 256 states as follows: The heart's faith is not achieved by force, but it can be penetrated in the hearts with arguments, morals and preaching. But this does not mean that anyone can do any deed and say that I am free and no one has the right to stop me from the path I have chosen. Ayatollah Makarem Shirazi also believes: Islam clearly acknowledges the "freedom of opinion" in humans. Therefore, God says: "There is no reluctance in accepting religion, because the right path has become clear from the deviant path." As explained, all treatment procedures require the consent of the patient and his companion before starting. Of course, emergency and life-threatening treatments where the patient is not conscious and even his companion is not available, do not need to receive consent at that moment and immediately. But to perform simple diagnostic tests that are non-invasive and are not accompanied by severe interference with the patient's body or accompanied by severe or unpredictable side effects, does not require written consent from the patient. And also during the therapeutic interventions that the patient expresses his consent by performing actions, Like when the nurse comes to the patient's bedside to take a sample of the patient's blood, The patient raises his sleeve to take a blood sample, , there is no need to obtain consent from the patient, because the patient declares his consent by rolling up his sleeve and preparing to take a sample of his blood. In general, when there is an urgent and critical situation that requires the provision of medical services without wasting time, such as: In childbirth, all types of burns, coma, poisoning, convulsions, respiratory arrest and respiratory disorder and suffocation, heart attack, stroke and performing cardiac and respiratory resuscitation, and in all emergencies , in syncope, coma , head trauma and anesthesia, very severe and life-threatening bleeding, And even in all dangerous contagious and non-contagious diseases and dangerous infectious diseases like meningitis, in cases of resuscitation and immediate treatment of infants, children, the elderly, and high-risk people in

critical conditions, as well as blood transfusion of infants, there is no need to obtain the consent of the patients and their companions or their legal guardians. In true emergency situations, it is permissible to administer necessary treatment without informed consent.^[36] Also, by examining and researching the Islamic Penal Code, it is found that, It is a crime to perform any type of authorized medical and surgical operation without obtaining the consent of the patient or their parents or guardians and legal representatives. Of course, obtaining consent is not necessary in urgent situations. In the patient's rights charter which was approved in 2018, it is emphasized that, The patient's choice and decision should be free and informed, based on receiving complete and comprehensive information. According to Iran's patient's rights order, all cases and conditions of disease treatment and its complications should be explained to the patient according to the time and understanding of the patient. So that the patient can use that information when making a decision. Unless it is an emergency situation and wasting time ends up harming the patient.

The degree of human control over his body:

By examining the wisdom and verses and traditions, it can be seen that man has the right to control his property, but this right to control also applies to his body, life and essence .In fact, the existence of informed consent is an excuse to preserve the right of man to dominate his body and soul and life. that with his intention, he can freely decide for his body and soul in a positive direction. And choose the best treatment to heal his body. It can be proved based on the jurisprudential rule "Tasliit".^[37] The word "Tasliit" is received from "Sultanate". "Sultanate" means domination and possession.^[38] Man's mastery over his body and soul can be proven by the jurisprudential rule of "Tasliit" . The rule of "Tasliit" has been discussed in many jurisprudence books by early and late jurists.By examining the hadith of the Prophet of Islam and the rule "People are in control of their property and themselves"^[39], this issue can be discussed and investigated. Also, Sheikh Tusi has referred to the rule of "Tasliit" in "Jawaz Iqraad Jaryeh"^[40] and the story of digging a well in the house.^[41] In the explanation and review of the rule "People who have control over their property and themselves" it should be said that, As we know, the

most important property of a person is his body, the soul, body and life of a person are considered as his property. According to the above hadith, man has dominion over his property, and since the body and soul of man are also considered as part of his property, Therefore, just as man has dominion over his possessions, so he also has dominion over his body, soul, and life. Regarding obtaining informed consent from the patient, articles 495, 496, and 497 of the "Islamic Penal Code" stipulate that:

Article 495 of the Islamic Penal Code:

Whenever the doctor causes loss or bodily harm in the treatments he performs, is the guarantor of the payment unless his action is in accordance with medical regulations and technical standards. or that he was acquitted before the treatment and did not commit any fault and if the acquittal of the patient is not valid due to the fact that he is immature or insane, and Or it is not possible to acquit him due to anesthesia and the like.Acquittal is obtained from the patient's guardian.

Note 1- If there is no negligence or fault of the doctor in knowledge and practice, he is not a guarantor, even if he has not been acquitted.

Note 2- The patient's guardian is either a special guardian like a father or a general guardian who is a leader. In cases of lack or lack of access to a specific guardian, the head of the judiciary, with the request of the leadership and delegation of authority to the relevant prosecutors,To acquit the doctor takes action.

Article 496 of the Islamic Penal Code:

The doctor in the treatments that order to do it to the patient or the nurse and issues like that, In case of loss or physical damage, he is the guarantor.Unless he acts according to Article (495) of this law.

Note 1 - In the aforementioned cases, whenever the patient or the nurse knows that the order is wrong and causes damage and loss,and despite this to follow the order,The doctor is not a guarantor, Rather, the injury and damage is documented to the patient or the nurse.

Note 2 - In the case of amputations or injuries caused in medical treatments, it is done according to Article (495) of this law.

Article 497 of the Islamic Penal Code:

In necessary cases where acquittal is not possible, And the doctor should treat according to the

regulations to save the patient, No one is responsible for loss or damage.

In the charter of patient's rights, it is emphasized on providing information to the patient.

Conclusion:

In order to obtain informed consent from the patient, complete and clear information must be provided. In fact, the purpose of obtaining informed consent from the patient is that he can be informed about his treatment process And also to decide on his own treatment. Doctors and treatment staff are also obliged to explain the nature and type of the disease, the types of treatment and the method of treatment, complications and success rate and other alternative treatments and the risks and cost of the treatment to the patient and his companions. In order to receive an informed consent from the patients, the information must be clear, It should also be in accordance with the patient's understanding that it is necessary for the doctors and treatment staff, considering that time is limited, by creating a proper interaction and communication with the patients and their companions, and giving the necessary and sufficient time to the patients and their companions and giving necessary and sufficient time to patients and their

companions and providing comprehensive and complete explanations, provided this opportunity to patients and their companions so that they can make the best decision for their treatment. and have decision-making power and involvement in their treatment process. Therefore, in order to be able to obtain a correct, real and reliable informed consent form from the patients or their companions or their legal guardians. Patients and community members as well as doctors and treatment staff should be informed about the importance of the issue. Patients and other members of society are one destination on one side of the river, and doctors and treatment staff are another destination on the other side of the river, that to connect them with each other, a bridge should be built, and the building material of this bridge is to increase the awareness and information of patients and doctors about their rights. Both groups, patients and doctors, should be made aware of this important issue by creating educational workshops, We need comprehensive educational programs to inform all members of society, both doctors and patients, about the charter of patient rights and informed consent and the guarantee of legal enforcement.

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