

Medical Errors in Islamic Jurisprudence: An Analytical Study

Mohammed Ali M. Alasmari¹

¹Associate Professor in the Fundamentals of Jurisprudence, Department of Sharia, College of Sharia and Fundamentals of Religion, Najran University, Najran, Kingdom of Saudi Arabia.

Email ID: mamalasmari@nu.edu.sa

<https://orcid.org/0009-0006-3016-3283>

Cite this paper as: Mohammed Ali M. Alasmari, (2025) Medical Errors in Islamic Jurisprudence: An Analytical Study. *Journal of Neonatal Surgery*, 14 (3), 246-248.

ABSTRACT

Medical errors are a complex issue that requires careful examination in light of Islamic jurisprudence, as they involve various legal and ethical considerations related to civil and criminal liability, the principles of liability (*ḍamān*), and the distinction between error (*khaṭā'*) and negligence (*ta'addī*). This study explores how classical and contemporary Islamic jurists have addressed medical errors, outlining the principles governing physician responsibility and analyzing their applicability in modern medical practice.

The research aims to define medical error within Islamic jurisprudence, differentiate it from intentional harm and negligence, and evaluate the extent of a physician's liability according to different Islamic schools of thought. Additionally, it compares Islamic rulings with modern medical laws to assess their compatibility. The study concludes that Islamic jurisprudence offers a comprehensive framework for addressing medical errors, balancing physician accountability with fairness, and emphasizing the role of expertise and customary practices (*'urf*) in determining liability.

Keywords: Medical Errors, Physician Liability, Medical Ethics in Islam, Negligence in Medicine

1. INTRODUCTION

Medical errors have been a subject of extensive discussion in Islamic jurisprudence, where scholars have examined physician liability concerning unintentional harm and professional negligence. While medicine is a noble profession aimed at healing and alleviating suffering, unintended errors can sometimes cause harm, necessitating a clear legal framework for physician accountability.

Islamic jurists from the early centuries established detailed rulings on liability (*ḍamān*) in medical practice, distinguishing between unintentional errors, negligence, and intentional misconduct. The rapid advancements in medical practice require a reexamination of these rulings in light of modern healthcare standards while remaining rooted in Islamic legal principles.

Research Problem

The study seeks to address the following key issues:

- Defining medical error in Islamic jurisprudence and its relation to negligence and intentional harm.
- Analyzing the physician's liability according to different Islamic schools of thought.
- Examining cases where the physician is held accountable for harm and cases where they are exempt from liability.
- Comparing Islamic jurisprudential rulings on medical errors with modern medical laws to assess their alignment.

2. RESEARCH OBJECTIVES

This study aims to:

1. Define medical error in Islamic jurisprudence through linguistic and terminological analysis.
2. Examine scholarly perspectives on physician liability across different Islamic schools of thought.
3. Differentiate between medical error and negligence and their implications for liability.

4. Review Islamic legal principles governing physician responsibility.
5. Compare Islamic legal rulings with modern medical laws to assess their relevance to contemporary medical practice.

3. LITERATURE REVIEW

Aḥmad Ibrāhīm's (2021) study, which compares Islamic jurisprudence with modern legal frameworks regarding physician liability, highlighting areas of convergence.

Definition of Medical Error in Islamic Jurisprudence:

1. Linguistic Definition of Error

The term *khaṭā'* (error) in Arabic has several meanings, including:

- The opposite of correctness (*ṣawāb*), as noted by Al-Farāhīdī (1994).
- Unintentional wrongdoing, referring to actions performed with good intentions but resulting in unintended harm, as mentioned in the Qur'an: "*Indeed, we have been among those who erred*" (Yūsuf: 97).
- Actions without sinful intent, as stated in "*And whoever kills a believer by mistake...*" (Al-Nisā': 92).

2. Jurisprudential Definition of Medical Error

Islamic jurists define medical error according to their respective schools:

- **Ḥanafīs:** An unintentional act due to lack of precaution (Ibn 'Ābidīn, 1992).
- **Mālikīs:** Any unintended action resulting in harm, even if there was no intent to cause damage (Al-Kharshī, 2003).
- **Shāfi'īs:** An action performed with a specific intent but leading to unexpected harm (Al-Nawawī, 2004).
- **Ḥanbalīs:** A non-intentional act that results in damage (Ibn Qudāmāh, 1997).
- **Zāhirīs:** Any unintended action that causes harm (Ibn Ḥazm, 2001).

Physician Liability in Islamic Jurisprudence:

1. Negligence (*Ta'addī*) as a Cause of Liability

Negligence is a key factor in determining physician liability. Examples include:

- **Surgical errors**, such as performing unnecessary or improper procedures.
- **Misdiagnosis**, leading to harmful treatment.
- **Failure to follow standard medical procedures**, resulting in preventable complications.

2. Determining Medical Negligence

Medical negligence is assessed based on professional standards and expert testimony. Islamic jurisprudence follows the principle: "*Any matter unspecified in Islamic law or language should be determined by custom ('urf)*".

Findings:

The *theoretical and analytical* approach was selected for this study for the following reasons:

1. **Suitability for both jurisprudential and scientific research**, allowing for the integration of Islamic legal evidence with modern scientific studies.
2. **Ability to analyze contemporary issues from an Islamic perspective**, providing a comprehensive vision of how sustainability in alternative medicine can be achieved within the framework of *Maqāṣid al-Sharī'ah*.
3. **Potential for comparative analysis between different healthcare systems**, highlighting successful global experiences in achieving sustainability in alternative medicine and offering practical solutions applicable to Islamic countries.

Findings:

The study concludes:

1. Medical error is defined as an unintentional act causing harm, whereas negligence involves failure to uphold professional standards.
2. Physicians are not held liable if they act with expertise and without negligence.
3. If harm results from physician negligence, liability (*damān*) applies.

4. The assessment of medical errors relies on expert testimony and customary practices.

4. ACKNOWLEDGMENT

The authors are thankful to the Deanship of Graduate Studies and Scientific Research at Najran University for funding this work under the Growth Funding Program grant code (NU/GP/SEHRC/13/456-4)

REFERENCES

- [1] Al-Farāhīdī, K. (1994). *Al- 'Ayn*. Dār al-Kutub al-‘Ilmiyyah.
- [2] Al-Kharshī, M. (2003). *Sharḥ Mukhtaṣar Khalīl*. Dār al-Fikr.
- [3] Al-Mardāwī, ‘A. (1998). *Al-Insāf fī Ma ‘rifat al-Rājiḥ min al-Khilāf*. Dār al-Kutub al-‘Ilmiyyah.
- [4] Al-Nawawī, Y. (2004). *Al-Majmū ‘ Sharḥ al-Muhadhdhab*. Dār al-Fikr.
- [5] Al-Sarakhsī, S. (1993). *Al-Mabsūṭ*. Dār al-Ma‘rifah.
- [6] Ibn ‘Ābidīn, M. (1992). *Radd al-Muḥtār ‘alā al-Durr al-Mukhtār*. Dār al-Fikr.
- [7] Ibn Ḥazm, A. (2001). *Al-Muḥallā bi al-Āthār*. Dār al-Kutub al-‘Ilmiyyah.
- [8] Ibn Qudāmāh, A. (1997). *Al-Mughnī*. Dār al-Fikr.
- [9] Ibrāhīm, A. (2021). *Medical Liability Between Islamic Jurisprudence and Contemporary Law*. Al-Azhar University.