

Ethical Principles in Public Health Research: Contextual Understanding with Islamic Legal Principles

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ABSTRACT

This research explores the role and significance of ethical principles in the context of societal research, with particular emphasis on Islamic legal perspectives. Through contextual analysis, this research identifies relevant ethical principles and applies the Islamic legal framework as a moral foundation. The problem was motivated by cases of ethical lapses in health research. Not only does this happen in foreign countries, but in Indonesia, there are also frequent ethical lapses in health research. An important event that opened the eyes of the whole world and embarrassed the scientific community was the Doctor's Trial, which was carried out in the city of Nuremberg, Germany, after the end of World War II. The Doctor's Trial was a series of trials held after World War II to try individual Nazis for war crimes and crimes against humanity. The Doctor's Trial specifically highlights the medical crimes committed by Nazi doctors. Apart from that, there were also irregularities that occurred at Tuskegee, namely that medication was not given to participants after the research was carried out, resulting in seven people dying and 150 people suffering from heart failure. Not only that, the problem of violations of research ethics also occurred in Indonesia, namely research on the drug "Nerve Pill," which involved a hospital in Jakarta. Health research, as a scientific method, is regulated by Islamic law, which includes rules from Allah's revelation and the Prophet's sunnah and is in accordance with the application of applicable Islamic legal principles so that there is no deviation from Islamic religious values. This article aims to discuss the problem of deviations from Islamic law in the context of health research by highlighting practices or policies that may not be in line with the principles of Islamic law in the health aspect. The research method uses a literature study, focuses on relevant literature, and identifies knowledge gaps. In the discussion, the principles of Islamic law, such as monotheism, justice, and equality, were identified as the ethical foundations of health research. Although there is no direct Islamic law governing health research ethics, these principles can serve as guidelines for carrying out research ethics according to Islamic values. In conclusion, the principles of Islamic law can guide researchers' behavior, ensure research is conducted with respect for Islamic values, and prevent ethical deviations. In this way, health research can provide benefits that suit society's needs.

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INTRODUCTION

Etimologically, the term "ethics" derives from the Greek word "ethos", which means the nature of morality or custom. The KBBI defines "ethics" as a science related to the fundamentals of akhlaq. (moral). According to the term, there are many definitions of ethics, and each expert's opinion is different. Nata (1996: 43). Ethics is a field that investigates morality in a variety of ways, like health research ethics.

Health research is a stage of scientific method that concentrates or centers on health problems. (Munir, 2022: 42). Health research is also governed by Islamic law which guides, regulates and sets standards and protects the rights and well-being of the participants surveyed.

Islamic law consists of many rules derived from the revelations of Allah and the Messenger, both directly and indirectly, which govern how Muslims should behave. (Djamil, 1997:12).

Terminologically, M. Hasbi Ash-Shiddieqy said that Islamic law is a group of legal experts' efforts to apply Shariah according to the needs of society. (Ash-shiddieqy, 1975: 44). But according to the An-Na'im, the law of Islam includes faith, worship (ritual), ethics, and law. An-na'im 2009: 91-92)

Islamic law can be said to regulate all human life, including ethics. In the above sense it can also be concluded that Islamic law also regulates the ethics of research in the world of health based on the Quran and Hadith so as not to deviate from the side of religion or morality.

However, there are a wide range of ethical violations in health research such as plagiarism of research results, falsification of data, breach of consent and many other types. The violation of health research ethics that once occurred was the case of the Tuskegee Syphilis Study in 1972, in which the Public Health Service did not provide treatment to study participants who were infected with syphilis for the research object even after the drug was found. Not only that, a violation of the code of ethics of research has also occurred in Indonesia, namely the case of "Nerap Pill" In 2018, research of neuropharmaceuticals without ethical standards and caused serious effects on research participants. In the above case it has been proven that there has been a discrepancy between the ethics of health research and the principles of Islamic law.

This article aims to discuss the issue of deviations from Islamic law in the context of health research, by highlighting practices or policies that may not be consistent with the principles of Islamic Law in health aspects. The other purpose of this article is to provide a deeper understanding of the challenges and tensions between modern health practices and Islamic legal values, as well as to encourage critical reflection on the alignment efforts that may be needed in providing health care in accordance with religious principles.

METHOD

The research method used in this article is the method of literature study, in which researchers collect and analyze information from various written sources to support the arguments and findings of the research. This research focuses on literature relevant to the topic, enabling researchers to present an in-depth understanding of the subject being studied. In the process, the author also identifies knowledge gaps and makes conceptual contributions to the general understanding of the field.

Library studies are used to collect secondary data, obtained through a variety of literature including legislative regulations, books, journals, reports of previous research results and other documents that have relevance to the subject being studied. (Ali, 2021)

RESULTS

According to the Ministry of Health of the Republic of Indonesia, health care is any effort made individually or collectively within an organization to maintain and improve health, prevent and cure disease, and restore the health of individuals, families, groups, and communities. (Syamsul Arifin, 2023:21) According to (Harahap, 2023: 82) There are two parties interested in research activities: the first as the researcher and the second as the investigated party. Of course, each of them has agreed rights and obligations. It's a relationship that is governed by research ethics. This ethics covers not only how researchers behave with research subjects, but also how research findings will benefit society. Research results have two functions as a product of science, namely: 1. Academic (theoretical) functions: The results or findings of any research with any method in fact are academic findings, which means making theoretical contributions to the development of the science concerned. 2. Applied functions. Research should not only prove new theories, but should also help improve public welfare programmes, public health programmes.

In public health research, there is an ethics related to rights and obligations between researchers and those studied that should be taken into account: 1. Rights and duties of respondents Respondents' rights: a) Right to enjoy their "privacy". Everyone has the right to enjoy their personal freedom. b) The right to keep confidential the information they provide. However, since such information is necessary and provided to

researchers or interviewees, researchers must maintain the confidentiality of such information. (c) Researchers also have the right to obtain security or security guarantees if such information threatens their own safety or safety or their families. Respondents are entitled to remuneration after fulfilling all obligations, i.e. providing the information required by the researcher or interviewer.

After respondents "inform consent", which means that respondents are already engaged with researchers or interviewers, they must provide the information the researchers need.

Although research ethics has regulated its rights and duties between the researcher and the subject, there are still many cases of ethical deviations in health research. It was part of the Nuremberg Military Tribunal tasked with the trial of war crimes committed by the Nazi regime during World War II. The experiment was carried out without any rational scientific objectives, without respect for human dignity, and by unqualified labor. Hundreds of thousands of prisoners suffered disabilities or died as a result of various experiments that caused much suffering. The Nuremberg Code was the first international instrument on health research ethics created after The Doctor's Trial to prevent inhuman health research. The Nuremberg Code consists of three elements, namely (1) protecting the integrity of research subjects, (2) setting requirements for conducting health research ethically by involving people as the subject of research, and (3) emphasizing the need for the voluntary consent of human beings as the object of research by signing the PSP (approval after explanation) specifically. The health scientist community is shy, embarrassed, and condemns the doctors of the Nazi German regime for the crimes revealed in the doctor's courts. However, the health science community in other countries generally believes that the Nuremberg code was intended for Nazi doctors in Germany and has nothing to do with their research. Such an assumption leads to some health research remaining running as before without significant protection for the subject of the research.

The ethical deviation in further health research was the case of an unethical syphilis study at Tuskegee in 1972, in which there were 201 African-American men suffering from Syphilis and left sick to be tested. In fact, the U.S. Public Health Service (PHS) is trying to prevent research participants from getting treatment. "The health effects of untreated syphilis," according to CDC.gov, was in a paper in 1934. Even in 1940, there was an attempt to register the man for war. It was meant to prevent them from getting the treatment available at the time. The study called the "Tuskegee Study on Untreated Syphilis in Negro Men's Brains" was finally closed three months after it was announced. The study, which began in 1932 and was completed in 1972, caused an upset among the American public. In 1974, the families of the victims received \$10 million in compensation. Despite this, his last study participant died in 2004.

The Tuskegee district had the highest number of syphilis cases in the United States in the 1930s. In 1926, 35% of Afro-Americans of productive age suffered from syphilis. However, in 1939, this figure was only 10%. Seven people died of Syphilis in 1972 when reports of Tuskegee's study were published, and more than 150 people suffer from heart failure that may be associated with syphilia.

Not only that, even in Indonesia, there is a violation of the ethics of health research related to drug research. In 2018, Indonesia faced controversy over the "Pil Saraf," which involved a clinical trial of a drug suspected to be a neurotransmitter in a hospital in Jakarta. The fact that the conduct of research does not meet the ethical standards of research. The study participants experienced serious side effects, and the research procedures were not supposed to meet the ethical requirements that should protect the participants as well as the fairly serious health impacts that the participants caused raised concerns about the safety of the participants.

The case created a public uproar and attracted the attention of health authorities and research ethics institutions in Indonesia. The government and associated agencies are investigating this research. The consequences involve freezing research, ethical checks, and changes in the regulation of clinical research in Indonesia. It becomes a lesson that, this case shows the importance of applying strict ethical standards in clinical trials to protect participants and ensure scientific integrity. The law governing the ethics of health research is contained in the Regulation of the Minister of Health No. 75 Year 2020 which regulates the Ethics Committee for National Health Research and Development. These documents serve as a reference for health research ethics committees/committees in hospitals/health facilities and research institutions throughout Indonesia, so it is expected that the ethics of health research will meet standards in Indonesia. In this section there are a number of regulations and functions which are:

1. The National Ethics Committee for Health Research and Development: Acts as the supervisor and assessment of the ethics of national health research and development
2. The Ethics of Research: Maintaining ethics in health research, including research involving humans and animals
3. Training and courses: Encouraging and supporting training and training of health research courses for researchers, developers, and ethics committees
4. Report to the Minister: The Ethical Committee for Research and Health Development must report to the Health Minister on the activities of ethical committee over the course of a year .

In order to implement such regulations, the Commission, committee, and the ethical research committee for health in hospitals, health facilities, and research institutions throughout Indonesia should be

expected to accept ethical health research that meets standards in Indonesia. This regulation aims to uphold the ethics of national health research and development, as well as protect the rights and well-being of researchers and developers. In addition, the regulation also reaffirms the importance of training and courses in health research to improve understanding of research ethics and standards.

Health Minister's Regulation No. 75 of 2020 does not specifically list sanctions or violations related to drug research and the safety of the participants in the study. However, from the cases that have been there are violations of the National Ethics Committee for Research and Development of Health, which acts as the supervisor and assessment of the ethics of research and development of national health, and the violation of research ethics that serves to uphold ethics in health research, including research involving humans and ordinary animals.

Research ethics must also be based on the principles of Islamic law so that there is no deviation. According to Juhaya S. Praja in (Fatarib, 2014: 66-71) there are seven general principles of Islamic law: principle tauhid, principle of justice, principles amar ma'ruf na munkar, principles of freedom, equality, *principla ta'awun* and *principla tolerancia*. Of these seven principles can be taken some principles that are the foundation of ethics of health research according to Islamic Law, its interpretation is as follows:

1. Principle Tauhid. This principle affirms that the entire building of the law of Islam is based on the affirmation of God, namely Allah SWT.
2. In the context of health research, this principle of justice can refer to fair treatment of all research participants and fair use of research results for the whole of society.
3. The principle of Amar Ma'ruf Nahi Munkar emphasizes the importance of encouraging good behavior (*ma'ruf*) and preventing bad behaviour (*munkar*). In health research, this principle may refer to efforts to prevent risks and harm to research participants and encourage the application of good health practices.
4. The principles of freedom and freedom in Islamic law cover various aspects, including freedom of opinion and belief. In the context of health research, this principle can be associated with the freedom of research participants to give consent voluntarily and on the basis of adequate information.
5. The principle of equality or equality of rights This principle emphasizes the importance of equal rights for all individuals. In health research, this principle can refer to equal and fair treatment of all research participants without discrimination.

If the previous case was investigated from the perspective of Islamic law principles in general, it has violated the principles of justice and Amar Ma'ruf Nahi Munkar principles. Health research that does not abide by the principles of Islamic law can harm society and violate Islamic ethical values.

There is no Islamic law that directly regulates the ethics of health research, but the principles of Islamic Law can be used as guidelines and solid foundation for conducting health research ethics so as not to deviate from the foundation of the Quran and hadith and still stick firmly to the Religion. It can be concluded that the Islamic legal principles, such as justice, freedom, and equality, can provide guidance in understanding and applying ethics in the context of medical research. Although it indirectly describes the relationship between the principles of Islamic law and the ethics of health care, an understanding of the Islamic legal principles can provide a strong foundation in conducting health care ethics.

CONCLUSION

Ethical principles in public health research, especially in the context of the principles of Islamic law, are an important foundation for safeguarding justice, freedom, and equal rights for all research participants. Although there are rules and ethics committees, there are still cases of ethical deviations that need to be watched out. Ethical violations are frequent, like the case of The Doctor's Trial, a series of World War II tribunals to trial Nazi individuals for war crimes and crimes against humanity. Another case, namely Tuskegee and the "Pil Saraf" case in Indonesia, showed the importance of applying the principles of Islamic law as additional guidelines to prevent deviations in health research. Ministry of Health Regulation No. 75 of 2020 in Indonesia is the basis for forming research ethics, although sanctions related to drug research and the safety of participants still need to be clarified. The principles of Islamic law can be solid guidelines for understanding and applying ethics in health research, so that research is conducted in accordance with Islamic values and benefits society. Thus, the integration of the Islamic legal principles can provide a stronger foundation for conducting health research ethics that conforms to religious values, and universal ethical norms.

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