

# Preface

Medicine does not recognize state borders. It is universal and serves the entire humanity. Medical law as its companion also strives for universality. The first codification began several decades ago among the countries of North Europe. It was the best realization of the connections between medicine and law. Medical law is essentially profiling the field of legal study with an academic degree, but for the discipline itself to live and achieve optimal results on various issues, it is necessary to relate medical science and the profession. When it comes to the matter that it deals with, an interdisciplinary approach involves the exchange of knowledge, analyses and methods between these two disciplines through the interaction and mutual enrichment among specialists from both disciplines. The experts of different academic disciplines work toward common goals. Programs are usually developed from the conviction that traditional disciplines are individually unable to solve certain key issues. The quality of this relationship will depend on the improvement of the entire field of health protection, in that the rights and obligations of the health service providers are better regulated and protected and that the patient's rights reach their full development. Hence, it can be said that medicine and law have more in common, although at first glance, they are two separate areas of human activity.

The promotion of the discipline of medical law is of great importance, as is continuous education on its current issues. At law schools in developed countries, medical law has the status of a separate and highly respected scientific discipline that is carefully studied. This is indicated by extensive literature devoted to medical law and even magazines dealing exclusively with this field of study. It should be noted in particular that in these journals, writings of not only lawyers but also physicians are published, as lawyers studying medical law regularly publish articles in medical journals. This is clear evidence that members of these two professions regard the problems of medical law as their shared responsibility. At universities in Serbia, the

study of this field is just starting, partly because of insufficient knowledge of what constitutes medical law and what purpose it serves. It should always be emphasized that this is an important field of practical activity and spiritual development of a modern man, which encompasses the legal relationships that people are taking to safeguard their lives and health, which is their existential need. Human life and health are undoubtedly values of utmost importance and priceless. If we were to draw parallels, it would be difficult for some other legal science to be more essential to jurists than medical law. This position is emphasized as being a key feature of medical law, and it was stressed in the first book written on the subject of medical law in Serbia.<sup>1</sup>

Generally, the health lawyers in Serbia always aspire to achieve the goal that the regulations of health providers' rights and the rights of patients should be better established and more consistent. The legislative activities are taken as a continuous process because "life" always goes ahead of the "law," and some of the accepted solutions require verification in daily practice. We should bear in mind:

- the normative aspect (the state law, the branch law, the relation between medical ethics rules and legal norms);
- the aspect of the implementation (professional standards, legal standards, respecting the rights and duties);
- the aspect of liability (criminal, civil, disciplinary, liability insurance).

Regarding some areas of health law in Serbia, the situation is much better than in the past. The importance of medical law is understood better these days. Work is not a simple decision from the legal point of view in this area, but the permanent monitoring and shaping of legislation that will follow the European and the world's tendencies in medical and health law in general. At this point, there is a necessity to support the process of implementation and evaluation of adopted regulations in this matter. In the past decades, numerous issues of medical law in Serbia have been arranged, but they still need to be modernized, giving them a new sense (e.g., abortion), while in some other areas, there are non-regulated issues, particularly concerning special medical procedures (e.g., sterilization, transsexual intervention, gene therapy, medical experiments, medical contract, liability insurance), some of

them are not yet functional (e.g., the mechanisms of protecting and advocating the patient's rights).

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1. J. Radisic, *Profesionalna odgovornost medicinskih poslenika* 234 (IDN Belgrade 1986).