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SYNERGY FUNCTIONING OF HUMAN MEDICINE AND MEDICAL LAW IN HEALTH ACTIVITY

Abstract: Although there are only three professions in the world: medicine, law and priesthood (the others are skills, crafts, occupations, etc.), the paper deals with only two of them, human medicine and medical law, regarding their joint actions and benefits that people can expect. In addition to perceiving of synergistic activities, the authors explore whether each state designs a correct national strategy in its health policy, whether it is aimed at developing a modern and contented health system, the improvement of the health quality of the population, extension of human life, application of modern medical knowledge and does it predict the up-to-date control of the use of available resources? While human medicine is being glorified because of the high quality of human health, medical law provokes contradictory opinions of general and professional public, since the laws, measures, regulations and other legal instruments are used in order to regulate the health system and to control its business processes. Many argue that this is an unnecessary, unprincipled, superfluous and irritating interference in the domain of medicine, which brings more damage than benefits. For them, the mentioned processes have purely medical character and therefore consider that their control (when necessary) can be performed exclusively by healthcare professionals, individually or through professional associations and / or chambers. Other authors deny the aforementioned opinions using arguments as: the rapid

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development of medical science, a large number of health institutions, sectors and services, and its strong dependence on economic, technical and legal logistics. The conflict of opinions is best negated by the practice, because medical law represents a very important compounder of the health system, since it protects the rights of insured and health workers and fosters the trust of citizens in human medicine.

Key words: medicine, medical law, health, illness, rights of patients

Introduction

For many years in the area of healthcare activity there are long-standing interests in the synergetic action of two scientific disciplines (human medicine and medical law) that create the conditions for its future development, effective protection of human health and improvement of the overall quality of life. Without the intention to ignore historical facts, the paper focuses on future, realistic expectations and provides answer to the question: how scientific medicine assisted by medical law could even more strongly contribute to the modern development of healthcare activity, the improvement of human medical legal status and a high level of economic development of society as a whole? However, it is not necessary to expect simple, especially not concrete and quick responses that depend on the realization of a multitude of goals, their real settings, justification of the inspired optimism of the employees in the health system and effects of the synergistic action of human medicine and medical rights in full capacity. The practice so far has shown that their synergetic action has contributed that healthcare activity occupies a high place (with full right) among activities of exceptional social significance and to become a very strong lever of modern social development. Therefore, they are rightly expected to contribute to a more modern development by mutual action in the near future, to pursue a new development path in the long run, to create new conditions for the practical application of modern medical knowledge and skills, to enable the full implementation of legal norms which define rights and obligations of medical workers and insured persons and to protect the interests of patients. Since the modern development of the health system is conditioned by a modern organization and smooth functioning of other public services, authorities and institutions, it is

completely logical that it depends on their activities to a large extent. They represent the best support for human medicine and medical law in the correct formulation of procedures and measures of national health policy which implementation is manifested in realization of a complex spectrum of serious, but realistic health goals.

The present skepticism that medical law has no place in the health system is ultimately ignored, because the ethical principles are precisely defined in the frame of medical practice, that cannot be part of any medical procedure, unless their application is legally regulated. This is the fact, but it's not constant, since medical practice often justifiably dominates the legal theory. Sometimes it's even forcing the latter to withdraw, which practically means that medical law must objectively leave the throne to specific medical processes. There are frequent cases in medical practice that a healthcare worker, acting in accordance with medical ethics, is obliged to provide the necessary medical assistance to endangered person, even when there is no legal basis (his / her declaration of will) or patient's conscientious consent. This further expands the range of professional thinking about the interaction of human medicine and medical law, while the professional literature gets double-enriched. It has the assertions of relevant factors that the essence of medical science and medical law can be understood only through basic ethical principles and / or through derivative principles derived or closely correlated with them. Therefore, in order to establish a functional health care system, the medical law insists on the rule that it must contain the principles of universality and justice, and that is why it represents the only authorized guarantee for equal rights to all stakeholders (health workers, insured persons, patients, society as a whole ...). (1) However, the established external supervision and frequent controls, that despite the great importance of medical ethic and medical legal norms cannot always be adequately implemented, create serious problems for health system, which are pretty much negatively reflected on its effective functioning.

The scope of the paper

Observed from any aspect, the modern, conventional, human medicine has a very delicate social task. In its entire opus there are numerous complex problems that mostly negatively affect the quality of human health, from human creation to the end of life. It signals that a serious, scientific and effective treatment of human health is based on a search for concrete answer to the question: what are the

adequate conditions for its existence and what are the causes against its being? Any offered response must be extremely affirmative and based on the fact that the basic quality of human health is the result of the absence of any kind of causes that rupture it by generating different types of illness. Considering that the rapid development of medical science has created the need for the application of medical legal norms, the paper emphasizes that the mentioned in same time have enriched the necessary regulatory, legal capacity that provides the population with equal, uninterrupted and high quality use of health care. Since medical science includes terms such as: medical ethics and medical deontology, it is necessary to clarify the existing discrepancy among them. Medical ethics represents a set of principles and codes of conduct that obligate every medical practitioner to make the best decisions in each situation and to formulate the best solutions for the benefit of the patient's health. On the other hand, medical deontology represents a wider concept than medical ethics, since at first place derives from it, and then from medical law. It includes ethical principles and positive legal regulations that regulate the application of scientific medicine in practice. In that way, the important role of medical law in its full function was confirmed in medicine.

Human medicine and medical law in the service of human health

Given that every discussion about the rights of the insured (man, patient) usually ends with universal human rights, there are justified opinions that it should also be extended to the rights regulated by medical law (the right to health care, education, health promotion, the use of services of other public institutions, etc.). Why? Because a large number of insured persons are not sufficiently familiar with discrepancy between human medicine and healthcare activities, so they are often (or always) ready to blame the direct providers of healthcare services for bizarre failures. For this reason, at first it is necessary to emphasize the present specialty of medical norms according to which the medicine must provide health care to those who need it, and secondly, the presence of legal norms in terms of sanctions in the case that health care was inadequately provided and in disharmony with prescribed medical law norms. In the case of fizzle or failure to provide the adequate medical services, its direct providers (medical staff) usually take full responsibility, while the sanctions are prescribed and enforced by representatives of competent legal bodies (prosecution, court). The question arises: is the relationship between human medicine

and medical law endangered in this case, resulting from the universal and mutual interest in preserving of quality human life? The answer is negatorial, since nobody's professional failures, done intentionally or not, must not be tolerated, since these two disciplines are very responsible professional formations whose representatives must at any moment be a paradigm of conscientious behavior.

The dilemmas remain about human life, when it really starts and / or does each person have the same moral values and the same right to it? However, there is no doubt that it represents only a gift for a man from the Universe that lasts for several decades, but the Universe does not interfere in a way that man uses it. (2) A sufficient number of scientific authorities (when it comes to the mentioned dilemmas) claim that they can be solved, with patience, time, mood and scientific and financial support. However, three complicated dilemmas (euthanasia, termination of pregnancy and medical secret) that appear in the medical ethic and medical legal public, seem to be eternal, while their close resolution is quite uncertain. The respect of human life and protection of global health is the basic principle which is equally fostered by human medicine and medical law. Its significance is best seen through the words of the famous philosopher Bentham: "... a man has a greater right to life comparing to all other living beings ... man's aspiration for life represents the fundamental impulse that gives him an incentive to fight and to go forward ... but many people do not choose the right ways to look for its quality, which is based on health and happiness, and often want to achieve it without delay while making mistakes and falling into a deep sink. "(3) These mistakes become apparent in many people in two ways – with the emergence of various illnesses or in the form of violations of legal regulations. Both forms clearly indicate the importance of the necessary linkages between effective health care and the functional legal system. Aware of the fact that these problems negatively reflect on human health and legal stability of the health system, the promoters of medicine and medical law develop a common strategy for the best application of their own effective therapies, that the patient or the inferior (offender) must be duly treated adequately.

Today, when it is totally clear that the world is simply crowded with various (destructive) crises (conscience, moral, material crisis ...), it is very difficult to choose the opinion about what good health represents and find the right way to preserve it, in conditions where all kinds of scams and manipulations, injustice and envy, various diseases and life threats are lurking. In addition, in present time it is

very difficult to carry out the correct description of those problems that are congenial to human health and irritated by the criminal, social and economic dimensions of the lives of individuals. Also, it is very difficult to apply adequate measures to solve them, which opens another dilemma: is the fight against monsters (bribes, corruption, affair, deaths) that burdens the health system successful or not and is it really a fight or something else? However, the answer is still to come. It is interesting that by common forces the human medicine and medical law permanently care for human life (health) and clearly identify people who need some kind of it, while being defeated by the fact that a large number of them avoid its use at the cost of an additional conquering of personal state and disturbing of the life balance. The problem is the fact that the issue does not end here, and this is why, despite the above mentioned, the human medicine and medical law, individually or in synergy, strive to discipline a man bewitched with material impulse, to realize the true values, to focus on the enjoyment of gifts that stands at his disposal and to decide freely what kind of life really wants.

Interdependence of Human Medicine and Medical Law

In the last couple of years, it has become clear that the law and medicine are congenial scientific disciplines because they have a large number of contact points in which their common interests are unconditionally crossed. (4) Here, at first, is taken into account the cultivation of the principles of humanity which, without any reserve, represents the primary goal of human medicine, as well as in the law in general, and particularly in medical branches. Each of these disciplines takes care of the life and health of people in its own way. Medical law is a special branch that binds the members of medical and legal profession, which enables the creation of new conditions for joint and responsible care for human health and correct and timely implementation of medical procedures. It attracted the public attention by establishing a successful and close cooperation between doctors and lawyers, while emphasizing the interest in the essence of medical activities and methodology of employee's behavior. The significance does not lie in the fact that it has become a respectable university exam, but it has made a silent press on the doctors, that without much resistance accept the truth that their occupation (human, without any doubt), is not always able to justify every professional error and illicit treatment of patient. The doctors consciously and under influence have admitted that it was

logical their actions to be subject to legal (judicial) control, and that human medicine, like any other science in the world, was not omnipotent. With this acknowledgment, no profession has lost its significance, which is the greatest success in the true sense of the word, on the contrary, the synergy has additionally brought them closer and further affirmed. Their common message is that, in no case, none of them should be afraid (not even be necessarily reluctant) of the reactions of those who failed to incorporate medical law into their legislative system. Their impotence which is a bad example that damages the reputation of lawyers and doctors on one side, and the quality of the health of the insured / patients on the other side, is desirable to be emphasized.

Today, in various ways and in every convenient occasion, the explosive development of scientific, human medicine is being emphasized, while in the same time the periods in which it experienced the brilliant success are being glorified. The mentioned glorification does not neglect the success of other scientific disciplines that have provided the capacities, to contribute, in particular or together, directly or indirectly, but very significantly, to the overall social development. Thus, human medicine was not developed singly and independently. (5) This was done in correlation with other disciplines, but due to its specification, it became too short for its protégés, and more necessary and important than any other profession in the world. Like many other important scientific branches human medicine and medical law have come to an incomprehensible space in which new knowledge, technologies, forms of cooperation and interdependence are being offered, fully aware that they are lured by various dangers that could impair the path leading to professionalism. Due to dynamic and accelerated development and tendency of their continued ascent, medical law and human medicine must be understood as fluids that do not recognize boundaries and limits, while representing a completely new, knowledge-based formation which serve to people, in a way that no other doctrine does. That's why the authors who deal with the problems of developed countries and their attitude towards the underdeveloped countries or those in development, sound dreary while pointing out that, objectively, many of them could not achieve more in terms of regulation of medical substance. Their comparison of possibilities in the application of advanced solutions seems especially inappropriate. Then, in their uncertainty, hold up the wall rigidly, that even though might seem advanced, they are not applicable in the existing conditions due to the insufficiency of the necessary cleverness. In addition, they

consider that medical law compared to other branches of law (inheritance, civil, financial, criminal) is relatively young, therefore, does not seem surprising the fact that it is dynamically developing.

Skilled theorists and lawyers, direct participants in affairs that have some connection with human medicine have different opinions. Many claim that medical law is not a young discipline, on the contrary (if it is essential for its rating), it is as just as old as humanity and those who care about it. Therefore, it is not advisable to talk about a young branch of law, while mentioning Hamurabi and his law, Galena and his law, laws in ancient Greece, Egypt, or in some younger, European civilizations. The attack on human health and life always provokes the direct application of legal norms, so the division on the norms of criminal or medical law is irrelevant. Each of them is declaratively in the service of the human principle – *the protection of human health*. The mentioned norms are always used in order to establish external control over the workability of health workers, which is not an impediment for the medical law to be called by that name. It is crucial that the essence will not change significantly, and why it should be. Its presence has annulled the denial of medical workers over the redundancy of its standards and the slowing down of human medicine advancement, arising from the assurance that they contribute to its simpler development. Humane medicine was marked as something which creates mistrust, but it appeals to law to intervene and bring things on the right tracks. (6) It should not be overly stressed that medical law is based on inequality. If that was the case, the doctors would not have a problem with corruption, they would be real humanists, secured, independent, without making any embarrassment to their status and reputation, profession and colleagues for just a “chocolate of foreign currency.” However, the truth is on the other side. Today, tycoons have the power over illegally gained money, therefore, it cannot be said that they are powerless or unequal comparing to the doctors. They have the money, and that possession creates the conditions to handle the disease easier and to accomplish the best health care.

Since the doctor in his practice needs to treat the patient and not a disease, it is illusory to feel helpless before him, since he sees an unknown man who has the most intimate interest in communicating his problems. It is unnecessary invocation of the past, therefore, in present time it must not be an obstacle but an obligation if a human and correct relationship that supports a successful outcome is desired. Diseased man or patients sees a new world and all life chances in doctor, who is a

total stranger to him in many ways. So, patients do not want to see a doctor as a human being who is capable of making mistakes and subject to weaknesses. This is the reason why for a long time in the medical profession, the generally accepted sentence stands: "... there is no illness, there are only diseased persons", (7) followed by the phrase which implies that: "... the doctor will never find the same disease on the patient with the one he learned from the textbook ... that's why he must know very well the history of the development and life of his patient, to acquaint and evaluate his inner feelings, but also to know about the external events and influences that are also important for the patient. "(8) Solomon, who was also interested in this topic, claimed that" ... the most important therapeutic agent that the doctor has on its disposal is the personality, which he uses consciously, wisely, in goodwill, with full recognition of his own weaknesses and disadvantages ... he must not forget in a series of medical procedures and undertaken medical interventions and diagnostic procedures the personality of his patient. "(9) Today, there is a completely different view on their relationship. Many doctors for their own reasons often seek out sickness and notice the patient.

Generally speaking, medical law has the task to protect the patient with its standards and make it easier for healthcare professionals to provide professional healthcare services and to enable them not to lag in the timely follow-up of innovative solutions in human medicine that guarantee a new health quality. The human medicine treats disease and illness through various treatments, by using the therapeutic agents, and after nursing procedure by rehabilitation (restoring to good quality life in the community). (10)

Medical law examines the values of human health taking in consideration the damage done in order to measure any possible sanctions for the perpetrator of the omission. This is mainly seen as the presence of medical mistake which is not rare in modern conditions, regardless of technical logistics in the implementation of operational procedures, pharmaceutical and medical procedures. It is not a coincidence, nor without justification, that Latin sentence-*errare humanum est* is often used (to err is human). (11) It may happen (and it happens) that immeasurable consequences for human health may rather arise because of imprecise diagnosis (in the case of a medical mistake), then because of late health treatment. If the doctor took specific measures to relieve the patient, and on that occasion displayed professional and other weaknesses, he could cause death without initiating the prescribed therapy. Then, it seems very problematic to ask

whether or not the profession is all about incompetence or negligence, while the patient is evidently in a state of a deterioration of the condition. This is an area of human medicine, however, medical law should provide a response to the criteria that are always debatable in such cases, whether the doctors treated the patient in the spirit of medical ethics, consciously, fully and versatile or irrelevant, or superficial and incomplete. In practice, this and similar questions for many times remained with no answer simply because the evaluation criteria were very often unclear. In order not to be always at the beginning and to avoid creating doubts on the criteria, medical law has the space and obligation to apply its norms or how the famous French physician Claude Bernard once said: "... the purpose of medicine is action, not waiting." (12)

If human medicine could object in some way to medical law, then it would be a fear that lawyers have not resorted to available solutions at the time. Although this objection is justified, accountability cannot be attributed exclusively to lawyers, but must also be assigned to employees in health care. The reason is that they did not have enough hearing and did not show the mood to cooperate more actively in order to speed up the resolution of present, common problems. This has contributed to the assumption that in the future every complex issue of ethical and legal character must be solved only by responsible and continuous work of multidisciplinary teams, which, based on the present state, must foresee which solutions are most suitable for implementation and whether their effect is recorded in some of the countries in the world. In essence, it is all about the obligation of representatives of medical ethics and medical law to continuously monitor the scientific and professional achievements and achievements of other professional and scientific disciplines in their professions. Their obligation is that all the novelties they find usable adapt to the ambience of national health systems in order to improve their functionality.

Does the synergetic struggle have significant success?

Before making any comment on this particular question, the answer imposes itself for now as negative, and as the things stand, there will be no one for a long time, at least not in accordance with expectations. This is exactly the reason why the optimism entangled that the man of the modern age finally has realized the seriousness of the problem deciding to be much more agile to resist any disorder

that in any way threatens to endanger his health. Due to past failures and many problems, he began to understand the essence of the problem more responsibly and, in accordance with it, to direct his knowledge, skills and opportunities in order to fight everything that might endanger the lives of the people on planet. However, on that path, he always finds some barrier that cannot easily be removed which he often circumvents, regardless of the consequences and the final outcome. Still, it sounds more pleasant to hear that man has decided for a concrete, therefore, sharper fight for health, which means that he finally understood that it is not enough just to cite lawyers, sociologists, doctors or psychoses, such as Democrat who once said: "... people pray to gods to give them long life and good health, and forget that in their hands lies the power to save it." (13) Although a man accepted his obligation and took more concrete and decisive steps in that direction, he should not expect nothing spectacular, because while undertaking concrete actions in many segments, he continued to use the old methods and overtaken practices. This is the reason why the modern man is rightly required to fully turn to a healthy lifestyle, occasional visits to health services, to be less faithful to religion by visiting the "holy places" for healing, and to leave the path that brings him back in times when the feasts have had their own empires. If he is prone to such a habit, then it is illusory to talk about a modern man and his sincere fight for the execution of the undertaken mission.

It is certain that a modern man must first cultivate its own environment and possess the necessary capacities to change personal habits in order to eliminate past omissions, and only then to deal with the content of the generally accepted, but more modern definition of health promoted by the World Health Organization (WHO) which regulates: "... health as a state of complete physical, mental and social good (well-being), and not just the absence of disease and impotence." (14) Regarding the above mentioned, still valid definition, Nenadović points out that: "... it loses the sense for several reasons and from several aspects and precisely because of its incompleteness and unacceptability when it comes to modern health requirements, becoming extremely debatable. His approach is completely logical and completely justified because: the attitudes in the definition of "complete physical, mental and social well-being" mean that physically, mentally and socially are seen as absolutized terms, and suggest the opposition to the understanding of health by understanding the disease ... Bearing in mind that it is notable that the opposition to its definition is exclusive or disjunctive, the justified question arises,

where can be found a certain “interconnection”, if it is realistically known, that it exists ... and how it is possible to define it precisely or sometimes approximately. “(15) Recalling the essence of the previous paragraph about health, Pavlovic claims that the mentioned definition of the World Health Organization (WHO): “... is utopian and defines health as a period of life that allows a person to perform all activities appropriate to its lifespan, liberated of all physical and psychological burdens.” (16) Having in mind that this is not just about some theoreticians who deal with these questions in passing, but taking in consideration their contribution to the development of professional views on human medicine and its legal structure, it is noticeable that the glove is thrown down in front of other scientists and it is now up to them to accept and come to a universal definition of human health. This would certainly strengthen the fight for the preservation of human health and many of the shortcomings would be timely recognized and effectively eliminated. In fact, it is the true meaning of the struggle for better health quality, which has been for a very long time and in many places managed without the right strategy.

Many thoughts go in the direction that a modern man should be characterized by quality, to understand the purpose of any resulting change that allows (does not allow) the possession of quality health. In early times, he struggled for good health with unnecessary favors of empty phrases and / or formal literary terms, thinking that it could possibly increase its significance and prevent the emergence of various types of illness. However, in that field man has suffered a terrible defeat. Today, observed from the point of failure, we can say with great certainty that it is not about a modern man, but a person who, before start dealing with the present problem, ignored the significance of the alphabet of health, the need for its constant improvement, and the social role of a quality life of all ages of human race. So, his problem is that he has forgotten the path, that he must first heal the causes and only after the consequences. It was once very well said that: “... the doctor must first treat the patient and after that the disease ...” (17) Man, being the mind-rational creature at the highest level of development should not subordinate total well-being, the quality of one’s own health and the awareness of such quality, to not precisely definition. He had (and still has) a better job to do than the potentiating of the anatomical imbalance, or the incompatible functioning of individual organs, the system of organs or the whole organism, from measuring real needs for the application of medical law measures and from defining such

condition as undesirable due to the presence of a particular illness. If the mentioned is understood correctly, then it does not wonder that many theorists have stressed (and continue to emphasize) the disastrous, but also the positive effect of a multitude of factors: for first one they say that they are hindering man to have good health, while the others say that they help man to deal with present problems, to improve it and finally to save it.

Authors of harsh feather consider that health is a special kind of good that many do not deserve, and as such they should not seek help from a doctor, and in particular they should not blame them for their own poor health status, because it is completely unfounded. This raises the question, what is it that the owner of a bad health care actually wants from the doctor, what did the latter do to help him to find himself in that condition and why he does not see his own part in personal medical staggering? The first impression is that these statements may sound a little bit morbid, but the truth should never be whipped to fine kaftans, because it is not someone's bride, and the best solution is to remain consistent. Therefore, one has to acknowledge its own guilt because he contributed that environmental, militaristic, material, career, immoral, commercial or other crisis that he did not recognize at his own expense, squeezed out of his mind the maxim that health has a very high price. Even worst of that is the fact that man is still fully conscious living in conviction, blindly believing that health has no price. In case that the mentioned solution is acceptable and / or true, any other opinion on health would be excessive, therefore, it would have no value and why would anyone try to increase the quality that does not exist anyway? The task of medical and legal theory and practice, or people dependent on the effects of the application of their solutions, is to clearly explain to each person every detail related to health and to make understandable its quality in the right way. This means that in relation to someone's health and the health of other citizens, he relies more on medical ethics, regardless of the fact that it was established in this capacity a hundred years ago. The negative balance is that its long-standing establishment has not significantly changed the essence of the matter.

It should start from the fact that medical ethics, although much later (in modern conditions) through its struggle and results for the high standard of health of citizens, managed to fully satisfy the appropriate status and become a significant medical discipline, which is reflected in the achieved enviable developmental level. The paradox is that it has brilliant results, but in spite of

that, it failed to win the battle for a high overall health level of citizens. Philosophers would say, for the lack of fortune among people it is them to be blamed, not the happiness, (18) in this case, at first, irresponsible patients, and in second, the human medicine. From this aspect, it has everyone who seriously deals with human health, and who on this issue thinks in a modern manner warned on the obligation to understand unconditionally the *status quo* and *time lage*, since they are the most dangerous for the modern health development of man and whole society. Of course, this applies first to all doctors who must adhere to medical principles, since they permanently bind them to a precise risk assessment, to correct application of modern medical science, medical technology, and especially to seriousness in human biomedical research. It is indisputable that the principles of respect for these principles have been largely ignored, thus jeopardizing the presumed environment, followed by the obstruction in the application of effective solutions to partial and global health problems, which had a negative impact on the intensity of the fight for a better health status of citizens. There have been a lot of scandals, unexplained situations and cases that on the medical side casted a shadow on the work of that part of the conscientious doctors who had nothing to do with it. In addition, neither the general public is immune to sensations. There are always advertisements prepared to use every event as a reason for the crucifixion of the doctors, while they do not want to talk about successes or do it only sporadically.

Therefore, we can say that the aforementioned principles, although without any reservation, obligate full knowledge and proper application of new standards provided by international recommendations of the ethical behavior of doctors, cannot always be applied, which significantly reduced the further progress of the healthcare activity as a whole. It is suspected that the message which regulates what exactly is the principle in the true sense of the word is (also the modern one) and in the service of medical ethics, was not well-understood. (19, 20) A special potency of the principle lies in the orders to the doctor to permanently and professionally improve and to demonstrate ethical behavior during the medical practice. As for the task of improvement, it is in principle just a task and often there is no problem in its execution, however, the problem is in the necessary conditions. Are they created? Of course not, because otherwise there would never be a question, why in medical practice it always comes from the point of view, that it represents primarily a medical principle, that the doctor must always bear in mind

the interest of the patient to whom is very: "... important the conversation by which he directly proves to be seriously interested in his state of health and / or the type of illness, or for his ultimate, prompt and quality healing. "(21) Many authors, with the intention to defend their own attitude, quote the Hippocrates who once said: "... if among a few doctors the first one treats with herbs, the second with knife, and the third with words, then we must first turn to the one who heals with words." (22) This sentiment is not exclusive, it is also not the only one, but the one of many that supports the current Behter's sentence: "... if a patient does not feel better after talking with a doctor, then the latter is not a real doctor." (23) The citations can be widely discussed, but it should be kept in mind that many circumstances have changed significantly since then. An additional problem is that many doctors at the cost of material benefits are ready to "paint in black" the sacred profession, without looking at the patient's condition, their status and their personal and collegial reputation, which in large measure led to the collapse of the rating of healthcare activity as a whole.

Conclusion

Findings on the scientific human medicine of the recent period suggest that it has comprehensive capabilities reflected in precise diagnostics, modern operative and therapeutic procedures, and effective solutions to complex medical problems. Contemporary, content and quality human, scientific medicine, with other scientific disciplines and public sector, initiated the formation of a wide healthcare offer as the best guarantee to insured / patients, that there is someone who seriously and professionally deals with their health. Therefore, armed with new knowledge and skills, it creates a guarantee that citizens may count on modern treatments, modern health care and successful treatment and final healing with a higher dose of trust. Conventional medicine enriched with new methods of work and approaches to medical personnel has managed to significantly increase the degree of their professionalism, responsibility to patients, to emphasize the importance and strengthen the position of medical ethics in the profession. It would be a great misconception to think that its development was an easy task and that it did not face a wide range of problems on the road. The first problem was initiated by patients, who in recent decades have shown great health maturity and high level of health culture. Using this, they began to constantly expose before medical workers

more and more complicated and sometimes even unrealistic demands. Another problem is that their education (information) does not contain a medical component, but it is a focus on a package of rights in the field of health care and health insurance. However, the present conflict between human medicine and the scope of medical law should not be the reason for presenting unrealistic demands, which is evident because it further provokes all disagreements between doctors and patients. At that point, the leverage of their cooperation was broken, so healthcare workers found themselves in dilemma, how to respond to increasingly complex and very difficult problems in relation to patients, without violating ethical principles.

Therefore, the relevant state authorities were forced to seriously understand their position and to undertake the obligation to protect them, primarily from incorrect procedures of dissatisfied patients, and to understand their needs for professional care and adequate healthcare. For this reason emerged a social initiative in order to include medical law in the health system, which would regulate the legal field and help members of human medicine to solve complex medical and legal problems more easily. It is a specific branch of law whose norms in the field of medical care regulate all types of relationships between insured / patients and medical workers and provide organizational and functional dimension to the health care system as a whole. They are universal medical law tools that help to establish and maintain external control over the work and behavior of health workers, primarily doctors. The aim of any control directed towards that direction is the timely protection of guaranteed rights and interests of both healthcare workers and patients, or insurers. By examining the general condition and the ruling climate in the health system in general, it should be borne in mind that, no matter with how much power the medical law operates while applying its norms, it is not necessary to cultivate great optimism and even less unrealistic expectations that their application will lead to quick and light solutions and that they will successfully tear off very tangled relationships.

Despite the intention that medical law provides concrete and mutual assistance to doctors and insured persons, the practice quickly proved that it was absolutely unreasonable to cause a great deal of suspicion in healthcare personnel, but also at a certain number of theoreticians. Simply, it was understood as a direct threat to doctors, which was of course thinking without a real basis. Unfairly, it became the target of non-objective theorists who imposed themselves on “protecting” human medicine from its fictitious influence. This relationship with

medical law was reflected in the claims of the legislator, which made it possible through media campaigns, protests at scientific and other meetings, and sometimes through inexplicable and verbal contacts. Many people thought that health professionals headed by doctors were always right and that legal science and lawyers have their own place in the police or in the courtroom. However, others argue that the protests of doctors and other health workers are unfounded, since the medical law is not called to create distrust between them and patients, but to bolster their shaken distrust. There are entirely other reasons, why, when and where the medical law is called to intervene. It seems that the opponents of the presence of medical law in the field of health care did not understand that it does not treat the sick people, does not prescribe therapeutic treatments and pharmaceutical procedures, but only applies laws, regulations and legal instruments, introduces the order to the area where the interests and rights of patients and doctors are met, or other medical personnel. However, many are prone to silence when a healthcare worker, in particular a doctor, makes a mistake (unintentional, deliberate) or gets caught in violation of ethical principles (corruption, bribes) and then consider that such cases should be left to the competent court to impose a sanction to the offender. So, they gave up the idea that healthcare workers solve their problems in their office.

The question arises, does it go in medical law favor the alarming appeal to take part even more concrete and directly in removing of the observed deviations within the health system by its norms and instruments, which, seen in the eyes of general public, devastate its complex structure. The answer is affirmative. Namely, it does not function independently, but it is in a permanent synergetic relationship with human medicine, which only increases the contribution in ensuring the quality health of citizens. However, its presence can be seen as a problem, although it's not the case, but the vanity and not accepting of other people thoughts and qualities.