



## FORENSIC DENTAL MEDICINE AND ITS SIGNIFICANCE IN JUDICIAL MEDICAL EXPERTISE

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**Abstract.** *Moral perceptions are a reflection of time and social circumstances, and they are ethical principles of humanity and justice for human beings. As in other professions, where there is the liability for knowingly, or unknowingly making a mistake in the course of work, the same liability exists for physicians for damage directly caused by the physician's negligence, omissions, misdiagnosis, and incorrect treatment. However, the medical profession also carries certain risks, so the doctor cannot be held responsible for every failure in his work, published in the Official Gazette, he cannot be held responsible for the failure of his work. The material-legal responsibility of the doctor is a consequence of the damage caused to the patient by the doctor in:*

- *Non-compliance with the established scientific and professional methodological and technical principles (vitium artis)*
- *Violation of the principles of humanity, specific to the medical profession and title*
- *Non-compliance with medical protocols*
- *Negligence during the diagnosis and implementation of treatment.*

*Because the main goal of the medical profession is to alleviate and later eliminate the pain and discomfort that the patient feels, to improve and maintain the patient's health, and to extend the patient's life, it is necessary for the doctor and other health professionals to do their job. Perform it as conscientiously as possible, respecting the rules of the medical profession. However, due to certain circumstances, which are often associated with insufficient practical health expertise and skill of the doctor, increased number of patients, and insufficient commitment, due to the general approach of the doctor, may have side effects on the patient's health, which entails a certain responsibility by the doctor, namely: disciplinary responsibility, civil liability, and misdemeanor liability - criminal (criminal) liability. It is considered that the most common reasons for the unethical actions of doctors are the desire to earn money, recklessness, sexual interest, false certificates, and false testimony).*

### 1. INTRODUCTION

The entire knowledge of the doctor in dental medicine is based on professional knowledge, knowledge, as well as a humane attitude towards the patient. The well-known and often cited maxims "primum non nocere" (above all do not harm the patient) and "primum utilise esse" (above all be useful), contain all the medical codes, and their roots go back and have them in the time of Hippocrates and are given in the Hippocratic Oath \*. They represent the basic principles of medical ethics and deontology. Namely, the concept of utility for patients represents the essence of medicine as a science and medical activity, which is of special social interest.

Medical ethics is the most important link between doctor and patient. Neglecting and disrespecting this relationship can seriously undermine that concept, undermining the integrity of the medical profession and practice. On the other hand, it is self-evident that the practice of non-medical medicine should be beneficial to the patient, which is much more important than taking care only so as not to harm the patient, not to take certain Professional activities that are in the interest of the patient's health Doctors of dental medicine and patients are not perceived as enemies, but on the contrary as friends, whom the patient completely trusts.



The patient sees the dentist as a lifeline for him based on that. It can be said, that the doctor's work depends mostly on the patient because the doctors are here for what the patients need. However, first, it is the patient to gain the dentist's trust and cooperate with him. However, with the process of commercialization of health care, the doctor-patient relationship has largely lost its "light", which has always been of great importance to the medical profession and has become a business. Profession, i.e. the basic principles of the medical profession have been lost, namely ethics and morality, all in the interest of profit, characteristic especially in transition countries. Doctors are obliged to treat each patient and provide him with the necessary medical care. , and all this results either in the healing of the patient or not even in unprofessional and unscrupulous work of the doctor leads to injury or damage to the health of the patient. In law, medical or dental intervention means the use of means and procedures, with Corpus Hipocraticum, originated in ancient Greece between the 5th century BC and to this day is a source point of the medical oath and codex. Which are about the ethical aspects of the medical activity, which achieves the social goal, which is to protect the life and health of the patient. By undertaking these procedures and interventions, the patient gets a much better chance of recovery than if taken nothing, no procedures, and procedures, thus losing any opportunity to solve the patient's health problem, i.e. to protect the health of the citizen (patient) and the doctor remains false adherence to the moral and ethical principles of his profession. [1]

From here, it can be freely said that there is no illegal error because all undertaken procedures and procedures lead to the preservation of the health of the citizen (patient).

However, every work performed, including the work of health workers, is subject to certain errors, which can be made on different grounds. It is quite justified that medical error is given much more attention than errors made in any other activity, i.e. from any area.

In the Republic of Macedonia, there are no official statistics on the number of medical errors. Health organizations generally do not keep records of possible errors during the treatment of patients, and the competent ministries do not have such information. However, lately, we are aware that there are more lawsuits for compensation for psychological and professional damage due to alleged errors in the medical treatment of the patient.

Unlike medical ethics, which speaks of the ethical and moral responsibility of the doctor, medical deontology prescribes and elaborates the obligations and duties of doctors in the performance of their professional work.

The word deontology was first mentioned in the 19th century. The term medical deontology is often equated with the term medical ethics. But today it is quite clear that deontology as a science, in addition to ethical norms and principles, also includes legal regulations, which are related to the medical title and the medical profession. On the one hand, medical deontology, it borders and to some extent coincides with medical-legal postulates (jurisprudence), and on the other hand, it coincides with the medical ethical norms, Grmek. [1]

The word "deontology" comes from the Greek word "deon" which means "duty" or "obligation", ie it means respecting certain norms and obligations, which are necessary for the realization of any profession, including the medical profession.

Medical deontology has a special significance in everyday life, due to the specific conditions of the title. This profession can not be compared with any other profession, because the subject of observation and treatment is the man-patient who treats him. The profession that is, an occupation, in the deepest sense of the word, is neither a skill nor a profession, but a devotion to the man and his health as an individual, Pejakovic<sup>2</sup>. Hence, starting from the complexity of medical behavior and action, it can be concluded globally that his responsibility may be:

- Ethical
- Professional
- Legal



Deontology is a science that covers the entire legislation, with all the accompanying regulations that regulate medical work. The purpose of the legislator is to protect the company or the patient from unscrupulous, irresponsible, and unprofessional doctors with certain legal regulations. Era, laws, and regulations were created, which regulated the work of doctors, and the penalties for unsuccessful work or intervention were quite severe. Namely, for the first time, the civil and criminal responsibility of the doctor is mentioned in the special law passed in Babylon, during the reign of Hammurabi from 1791-1759 AD. In that famous Hammurabi law, the monetary amount for each intervention. For example, if a patient dies due to a medical error or loses one eye, both hands should be amputated [3].

The first code of conduct for the doctor is presented in the famous Hipokrat oath, the text of which is preserved in the collection of works written by Hippocrates (460-377 BC), which originate from the Pythagorean school.

The Geneva formulation of the Hippocratic Oath (1948), which is based on the morals of the Hebrew physician and philosopher Moisa Maimonoides of the twentieth century my soul with love for my profession and for all your creations. Do not let the desire for fame and earnings influence me in the realization of my profession, because the enemies of truth and humanity can use it, and divert it from the path of my noble duty, profession, to do good for my children"

However, the rapid technical-technological development of the medical profession and science brought with it opposite expectations, that is, it brought erosion of morality from every point of view, loss of ethics, as well as weakening of the initial responsibilities of the health staff. With the emergence of teamwork, with the emergence of "my term" and the time limitation of the patient's examination, the doctor's obligation for numerous imposed administrative responsibilities, all distances the doctor from the patient, i.e. the patient as a person and subject of treatment, more easily lost. On the other hand, the personal responsibility of the doctor is reduced.

From here it is inevitable to distinguish the legal from the moral obligations of the doctor of medicine or dentistry, and this is what forensic or forensic medicine deals with, which is a scientific-professional foundation of the platform for providing legal aid, which refers to medical or health issues. In civil or criminal proceedings.

Legal obligations are regulated by legal regulations, while moral duty is based on ethical principles, which are shaped and formed in the social community, during the historical development of social relations and the development of medical theory and practice. [5]

Moral perceptions are a reflection of time and social circumstances, and they are ethical principles of humanity and justice.

As in other professions, where there is a liability for knowingly or unknowingly making a mistake in the course of work, the same liability exists for physicians for damage directly caused by the physician's negligence, omissions, misdiagnosis, and incorrect therapeutic treatment.

However, the medical profession also carries certain risks, so the doctor can not be held responsible for every failure in his work. , published in the Official Gazette, he can not be held responsible for the failure of his work. [4, 6, 7, 8]

The material-legal responsibility of the doctor is a consequence of the damage caused to the patient by the doctor in:

- Non-compliance with the established scientific and professional methodological and technical principles (vitium artis)
- Violation of the principles of humanity, specific to the medical profession and title
- Non-compliance with medical protocols
- Negligence during the diagnosis and implementation of the therapeutic

Because the main goal of the medical profession is to alleviate and later eliminate the pain and discomfort that the patient feels, to improve and maintain the patient's health, and to extend the patient's life, it is necessary for the doctor and other health professionals to do their job. Perform it as conscientiously as possible, respecting the rules of the



medical profession. However, due to certain circumstances, which are often associated with insufficient practical health expertise and skill of the doctor, then, increased number of patients and insufficient commitment, due to the general approach of the doctor, may have side effects on patient's health, which entails a certain responsibility on the part of the doctor, as follows:

*Disciplinary liability* - decided by professional associations and disciplinary measures are imposed as a reprimand, a fine until the temporary or permanent revocation of the license.

*Civil liability* - refers to the form of compensation for individual wrongdoing, which leads to injury to the patient (compensation is determined by civil law).

*Misdemeanor liability* - occurs in case of omissions, insufficient and untidy medical documentation, or non-compliance with medical confidentiality, usually, a fine is imposed.

*Criminal liability* - refers to negligent treatment, unauthorized transplantation of tissues and organs of the human body, disturbance of the patient's health, failure to apply appropriate treatment measures, use of inappropriate drugs for treatment, and causing death.

- not providing first aid
- issuing fake medical certificates
- giving false statements

It is considered that the most common reasons for the unethical actions of doctors are the desire to earn money, recklessness, and sexual interest. False certificates, false testimony).

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