

# Deficiencies in the Medical Civil Liability Legislation in Jordanian Law (Comparative Study)

**Alaa Majed Ahmad Bani Younes**

Assistant Professor, Civil Law, Private Department, Faculty of Law,  
Jerash University, Jordan

## Abstract

In this study, we discuss the shortcomings that Jordanian civil law suffers from concerning the issue of civil liability of the doctor. This is a comparative study between Jordanian civil law and its Saudi and Egyptian counterparts, using the descriptive analytical approach in dealing with the subject of the study and use of the comparative method to reach the main objective, which is to know the shortcomings of the Jordanian civil law in the civil liability of the doctor. The study concludes that the Jordanian civil law concerning civil medical liability suffers from two problems: the failure to clarify the legal nature of the civil medical liability of the doctor and his failure to recognize the moral damage inflicted. In comparison, Saudi Arabia is the best Arab country to legalize its health system and create a system for practicing health professions.

## Keywords

Deficiencies, Medical Civil Liability, Legislation, Jordanian Law

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## Introduction

The science of medicine and its various practices in all disciplines have witnessed remarkable development. It is a field growing day after day, especially during the last decades compared to the development that it has witnessed over centuries. Moreover, the risks that afflict the human body and the fact that many medical practices in modern medicine are carried out through the use of drugs that contain many harmful side effects, some of which may be difficult to anticipate. The increase in medical errors and, consequently, an increase in the volume of lawsuits filed before the judiciary to claim compensation for the damage incurred by the plaintiff as a result of a medical error, and the fact that medical responsibility is determined by the presence of specific professional components of the doctor, which makes it different from other professions as it deals with the most valuable thing, which is human life. With this development, the issue of the civil responsibility of the doctor has become an issue raised and available in the legal arena. It is a matter of great controversy, and this is because of the sensitivity of the doctor's work and his direct contact with the human body and his life. Thus, this topic becomes of great importance before the judiciary and this for the following reasons:

- Protecting patients towards all medical practices, in addition to providing the necessary health care, by emphasizing the responsibilities and obligations of doctors.
- Giving doctors a space of sufficient freedom to carry out the medical therapeutic practices they see in the interest of the patient and to ensure sufficient confidence and security for them to practice their work and this is to provide space for creativity and innovation and not be bound by responsibility all the time, as the doctor's adherence to responsibility all the time may make him evade from performing some tasks His profession is necessary and this is for fear of making a mistake.

The civil liability of the doctor is a form of civil liability. However, it has become of great importance with many medical errors and a large number of lawsuits. The main reason for the increase in lawsuits is the weakness or absence of the relationship between the doctor and the patient, neglect by the medical staff in public medical institutions, and attention to the investment and commercial aspect in private medical centers. Therefore, the most significant problem faced by this topic is a severe deficiency in the civil liability of the doctor stipulated in the Jordanian civil law, which is the subject of our study, which we will be specifically exposed to through a general theoretical framework and a comparative study between the civil liability of the doctor in the Jordanian civil law and similar in the Egyptian and Saudi civil law.

### Study Problem

The study's main problem is that Jordanian civil law has a severe deficiency in determining a doctor's civil liability. The provisions of Jordanian civil law only refer to the doctor's responsibility for medical errors, and the Jordanian legislator only assesses liability based on the doctor's injury. As a result, the study identifies the flaws in Jordanian civil law when dealing with civil medical liability and recommends for strengthening the law's texts in this area.

## Objectives of the Study

The study aims to achieve the following objectives:

- Recognize the nature of civil responsibility.
- Statement of the position of some Arab laws on the civil liability of the physician.
- Clarifying the nature of the civil medical liability stipulated in the Jordanian civil law, whether through a comparative study between it and the laws of some Arab countries.

## Study Significance

### Theoretical Significance

- Knowing the nature of the civil liability of the doctor, especially with the spread of medical errors and crimes committed by some doctors.

- Emphasizing the importance of regulating civil medical responsibility in explicit legal texts that protect doctors' and patients' rights and allow doctors to be creative and innovative while also ensuring that patients' lives are preserved and that they receive appropriate compensation in the event of a medical error.

## Practical Significance

The practical importance of the study focuses on knowing the shortcomings of the Jordanian civil law in determining the civil liability of the doctor to address it and presenting proposals to the Jordanian legislator that help develop more explicit laws that protect the rights of doctors define their responsibilities.

## Terminology of Study

- **Physician:** A doctor is a person who obtains a certificate of practicing the profession of medicine in any country, whether Jordan or elsewhere.
- **Civil Liability:** Article (256) of the Jordanian Civil Law stipulates the definition of a physician's civil liability as it is a harm to others that obliges the doer to compensate even if he is not distinguished, and the Jordanian law applies the theory of damages as soon as the damage occurs.
- **Medical error:** It is work that takes away from the accepted path in the rules and principles of the profession, which is any medical work presented to the patient and away from the ordinary, which causes harm to the patient, which is either due to negligence or negligence [1].
- **Medical work:** Medical work is a flexible and non-rigid concept as it is subject to development and change according to the requirements of the times, and Jordanian Law No. (13) of 1973 AD did not authorize a specific definition of medical work, and the Jordanian Medical Constitution did not authorize a specific concept of medical work, but its texts acknowledge That both diagnosis and treatment are the basic elements on which medical work is based, and the provisions of the Jordanian medical constitution clarified the obligation of the doctor to exert all his efforts in treating patients and providing them with the necessary health care, and we can extract the concept of medical work from the Jordanian Civil Law in Article No. (3) From Public Health Law No. (21) of 1971 AD, the meaning of medical work is prevention and treatment [2].

## Study Methodology and Procedure

The study relied on the use of the descriptive-analytical approach in describing the nature of the physician's civil liability and its pillars and identifying the position of Islamic Sharia on the physician's civil liability. Furthermore, use the comparative method to compare Jordanian civil law and its Saudi and Egyptian counterparts and find the shortcomings of Jordanian civil law.

## Civil Responsibility and its Pillars

### The Concept of Medical Civil Liability

Civil medical liability in law is the compensation that the person responsible for the damage bears towards the person who has suffered the harm, whether it is material or moral damage, as the civil liability is based on the occurrence of the damage as if it was a medical error, but no material or moral damage occurred. Therefore, the patient has no civil liability for the doctor, provided that this harm is with intent. Therefore, the doctor's civil liability falls with every professional mistake he or one of his assistants makes. Among the forms of professional error that entail civil liability are:

- The error that occurs in determining the appropriate treatment for the patient or the lack of good follow-up of the patient's condition.
- The doctors lack knowledge of some fundamental technical issues related to their profession.
- Giving a patient a test treatment.
- Using medical tools and devices without having sufficient knowledge of how to use them.
- Not providing adequate health care to patients and following up on their health if they require this [3].



## Elements of Medical Civil Liability

For the civil liability to be established on the doctor, if it is a tort or contract liability, three fundamental pillars must be present:

### Error

The doctor is generally obligated to make a good diagnosis of the patient's condition and provide the appropriate treatment for him, and if a mistake occurred on the part of the doctor as a result of his negligence or lack of sound knowledge, he is liable in this case to civil liability if there is a relationship between this error and the damage that occurred on the patient, and therefore the error is the fundamental basis for the establishment of civil liability, and the doctor must prove the occurrence of the error. Jurisprudence and departing from it are considered a medical error that entails a civil liability. These constants are:

- Any invention of a new medical treatment must have been extensively tested on animals, and its side effects must be confirmed and clarified professionally and transparently.
- A sufficient suspension period must have taken place to confirm all the methods or drugs used in the treatment.
- It is necessary to make a scientific recording of the treated method before applying it to humans.

### Harm:

Harm is the infliction of corruption on others and harms on them. The harm is either material or physical harm and moral or sensory harm:

- Material damage: It is damage to the human body or may cause death due to a medical error, and the civil liability from a legal point of view falls on the doctor in the case of direct damage. As for indirect damage, the doctor is not responsible for it.
- Moral harm: It is the harm that affects the individual in a sensory way or affects the patient's psyche from exposure to humiliation or psychological harm. The French legislator defined it as a harm that does not affect financial disclosure but rather causes moral pain to the victim. One of the forms of moral damage is the doctor's disclosure of a secret patient and exposing him to embarrassment.

### A Causal Relationship between the Error and the Damage:

It is the essential pillar where the existence of harm to the patient and the medical error alone is not sufficient to establish the civil liability of the doctor. Instead, there must be a causal relationship that demonstrates the link between the medical error and the damage, as the harm suffered by the patient may not be related to the doctor's error and thus negates civil liability. But if its relationship is proven, there will be a civil liability on the doctor, and the doctor may cause direct harm to the patient or indirect harm.

The responsibility is equal, and when the causal link is established, the doctor's civil liability is established, and the court obligated him to compensate the patient for this damage [4].

## The Civil Liability of the Doctor in the Saudi and Egyptian Civil Law

Through this axis, we will examine the nature of the civil liability of the physician in Saudi and Egyptian civil laws.

### The Civil Liability of the Doctor in the Saudi Civil Law

Recently, there has been a noticeable interest in the Kingdom of Saudi Arabia about aspects related to the health law through issuing a particular regulation for the practice of Saudi health professions No (59) dated 1426 AH. These laws specify the obligations and duties of each medical function and the necessity of adhering to clinical professional standards in carrying out diagnosis and treatment. In addition to that, these laws specify civil and criminal liability, which falls on the

practitioner of medical professions. As a result, medical responsibility in all branches and medical specialties has raised much controversy in the judicial arena. This is because these professions are sensitive as they relate to human life.

### **Cases of Saudi Legislature in which the Civil Liability of the Doctor is Tort**

The Saudi legislator considered that civil medical liability is a tort and a contractual liability when the conditions for both of them are met. Furthermore, the cases explained by the Saudi legislator in which the civil liability of the doctor is tort are:

- If the doctor's intervention is not based on a previous contract between the doctor and the patient, wherein the absence of a contractual relationship between the doctor and the patient, the responsibility is tortuous, such as the doctor's work in the emergency department in public hospitals, and Article 8 of the health professions system obliges the doctor to assist any Injured or injured on the spot, especially if he is in a dangerous and life-threatening condition.
  - In the case, if the patient is harming others, such as if the patient is mentally disturbed and the doctor neglects to follow him, or in the case, if the patient suffers from an infectious disease and the doctor does not take the necessary precautionary measures to isolate the patient so as not to transmit the infection to others, whether to patients or medical staff.
  - The case in which the medical contract is invalidated, as the contractual responsibility of the doctor turns into a tort liability, and this is in the case of invalidating the existing contract between the doctor and the patient for any reason such as the absence of one of the pillars of the contract, which consists of three reasons, namely, consent, place and reason, and the invalidity of the contract is also verified if the application of a condition fails One of the conditions that should be fulfilled in every corner of the contract, as the conditions that must be met in the corner of the place are the possibility and the specification, but if the consent must be distinguished. The two wills match, as the corner of the place must be legal, and the absence of one of these conditions means an invalidity Contract.
  - That the contract exceeds the obligations contained therein, as the contract must be between the patient and the doctor, but if the doctor had to operate for the patient and the patient was in a sick condition or a coma during which the doctor was not able to obtain his consent, therefore, the responsibility of the doctor goes beyond the scope of the contract to the scoped default.
  - Streptococcal negation of the free medical services and the responsibility of the doctor who provides free treatment to patients is a tort.
  - In the case of a claim by a person other than the patient for compensation as a result of proving a medical error, such as that the family of the deceased file a lawsuit against the doctor as a result of the damage they suffered from the death of the patient and this is the result of his death due to a medical error. Between the family of the deceased patient and the doctor.
  - If the doctor performs acts that violate the law and are prohibited, even if they are with the patient's consent, such as performing abortions, and therefore the civil medical liability in tort.
- If the doctor refrained from intervening and treating the patient in a situation, he should have intervened quickly.

Article (26) of the Saudi Health Professions Law states that a medical service practitioner or provider is obligated to exert his utmost effort to provide the patient's necessary medical service without being obligated to achieve the desired results. To the desired result, these cases are:

- Transfusion
- Medical tests
- Medical devices and tools
- Prosthetics installation
- Cosmetic surgery.

### **The Cases in which the Civil Liability of the Doctor is negated in Saudi Law**

There are cases in which the civil liability of the doctor is negated, and they are:

1. Force majeure: It is the occurrence of any sudden unexpected event outside the control of the doctor and the entire medical staff, such as the doctor's inability to reach the hospital to perform

an urgent surgery, which resulted in the death of the patient or his entry into a coma, and this is considered a force majeure or a sudden event and not an error issued from the doctor.

2. The mistake of others: It is meant by others who are not the doctor, the patient, or even a member of the medical staff, because the occurrence of a mistake by one of the physician's assistants does not negate the error on the part of the doctor himself, but instead he is also responsible for it, such as if the patient takes someone else's advice without adhering to the advice of the treating doctor.

3. Patient error: The patient's failure to comply with the doctor's advice and neglect the treatment prescribed to him may be the cause of the medical error, which negates the doctor's civil liability.

### **The Results of Proving the Civil Liability of the Doctor in Saudi Law**

The consequences of establishing the civil liability of the physician as stipulated in Article (41) of the Health Professions Law are:

- Compensation for the harm caused to the patient because of the medical error, and compensation may be in the form of blood money if the medical error issued by the doctor leads to the death of the patient or the loss of a limb or his permanent disability. In this case, the judge's rule on the doctor to pay blood money to the patient or his family in the event of his death, or the compensation may be in the form of the treating physician bearing the costs of the patient's treatment at his expense. Article No (27) of the Health Professions Law stipulates the following: "Every health professional error issued by the health practitioner that resulted in harm to the patient is obligated to compensation, and the legality Health Authority determines the amount of this compensation.

- Insurance against the doctor's professional liability: The executive regulations of the system of practicing health professions obligated all members of the medical staff, whether in the public or private sectors, to carry out an insurance policy against errors in the practice of health professions with one of the licensed and recognized cooperative insurance partnerships.

### **Professional Clauses of the Health Professions Insurance System in the Saudi Health Law and the Saudi Health Professions Law**

The Saudi Health Law and the Saudi Health Professions Law stipulated a number of professional and supervisory controls with the Health Professions Insurance Law that preserve patients and include their rights, and these controls are:

- Doctors adhere to the principles, ethics, and ethics of the profession that they swore and learned during their studies.

- The doctor must register his name with the Saudi Commission for Health Specialties, which allows the Commission to monitor the professional behavior of doctors and medical staff. Oversight includes supervision of medical practices, developing the skills and capabilities of physicians through seminars and conferences, and informing them of one of the developments in their special [5].

- Implementing standards for quality performance and ensuring patient safety in all health institutions.

### **The Judicial Bodies of Broadcasting Lawsuits Resulting from Medical Errors**

In the Saudi judicial system, three judicial bodies specialize in broadcasting lawsuits resulting from medical errors, whether tortuous or contractual, and these Organizations are:

1- Legitimate health authorities: These Councils are concerned with looking into lawsuits that require the patient to obtain compensation and grave medical errors that led to the patient's death or damage to one of his body parts. This Council consists of several members:

- A judge with a grade not lower than (A) appointed by the Minister of Justice.

- A statutory advisor appointed by the Minister of Health.

- A faculty member from one of the medical colleges in Saudi universities and appointed by the Minister of Higher Education.

- Two doctors with good professional backgrounds and high experience.

- An experienced pharmacist appointed by the Minister of Health.

2- Medical Violations Committees: Article No. (38) of the Health Professions Regulations clarifies that these committees are broadcast in the rest of the cases, except for the cases that are the jurisdiction of the Shariah Board. These committees are formed by a decision of the Minister of Health, provided that it is necessary to be a member. The committee is one of the health systems specialists and one of the Saudi health professions.

3- Committees for the imposition of penalties for the system of private health institutions:

Article (25) of the system of private health institutions, which was issued by Royal Decree No. (240) for the year 1423, stated that the system of applying penalties in private health institutions is carried out through health committees formed by the Minister of Health and all A committee of the committees consisting of at least three members [6].

## **The Civil Liability of the Doctor in the Egyptian Civil Law**

The Egyptian Civil Law did not provide explicit texts about the civil liability of the doctor and dealt with it within the general rules of civil liability. However, the Egyptian judiciary considers the responsibility of the doctor to be a tort because it is a duty that the doctor fails to perform.

There is a ruling issued by the Egyptian Court of Cassation No. (417), dated July 3, 1969. This ruling contains the following text: "A doctor in a public hospital can only be held accountable based on tort liability".

In the beginning, there was a confusion between the concept of tort and criminal responsibility, and this is a result of the confusion between punishment and compensation, where the compensation due was more significant than the value of the damage inflicted, and this is in order to be a source of deterrence and prevent the recurrence of these errors. And the causal relationship between them, with the obligation, that the aggrieved party prove the occurrence of the error and the damage incurred by this error [7].

The Egyptian legislator considers that civil responsibility rests with the doctor when he fails to perform the duties of his profession, do his best, and provide the necessary medical care that patients are waiting for.

This responsibility was the subject of many jurisprudential opinions, and there were different trends to determine its nature, whether it was contractual or tortuous responsibility.

The position of the Egyptian civil law is clear, as it sees it as a tortuous responsibility at first, until the Egyptian Monetary Court issued a ruling on June 22, 1962 AD, in which it considered that the civil medical liability is a contractual responsibility and that the doctor is obligated by the contract between him and the patient with his recovery or the success of the surgical operation. However, not just the contract requires the doctor's success. However, there are many external influences, as the contract requires the doctor to do his best without confirming the success of the treatment or operation.

## **Exceptional Cases in which the Responsibility of the Doctor is A Tort in Egyptian Civil Law**

- That the relationship between the doctor and the patient is the result of a sudden event and not a contract concluded between them, such as the doctor providing first aid to those injured in an accident on the road, as it is a sudden event that did not result in any previous contract concluded between them.

- If the patient causes harm to others, such as being mentally unstable or carrying an infectious disease, the doctor does not take the necessary preventive measures to prevent infection transmission. Here the responsibility of the doctor is tortuous.

- When the doctor refrains from treating the patient in circumstances that he should have intervened to treat him, such as the doctor in the emergency department refraining from providing first aid to the accident victims, the doctor's responsibility, in this case, is a tortuous one.

- The case in which the doctor's violation of his responsibilities takes a criminal and not civil character. Therefore, the criminal judiciary is the specialist in civil lawsuits, such as the extreme negligence of the doctor leads to the death of the patient, so the lawsuit here is criminal.

- The case in which a person other than the patient (a member of his family) is claiming material compensation as a result of a medical error that may have led to the death of the patient or the



personal harm that befallen his family as a result of the patient's death.

The basis for establishing the contractual responsibility between the doctor and the patient depends on two main components:

1. Personal contract: the patient has the freedom to choose the treating doctor and has the right to violate his contract with the doctor and go to another doctor, as Article No. (207) of the Egyptian Civil Law states that the doctor must respect the right of trust granted to him by the patient

2. Continuous contract: The principle of continuity is based on the idea of the doctor continuing to provide treatment and follow-up to the patient as long as the latter still needs it.

Although the Egyptian civil law considered that the doctor's responsibility is a contractual one, the Egyptian judiciary used to decide lawsuits because the doctor's responsibility was tortuous, especially in public hospitals and not the private clinics that the patient goes to of his own will, so there is a contractual responsibility between him and the doctor. As for the public hospitals that the patient goes to, mostly in emergency cases, the doctor's responsibility is tortuous, and the compensation is based on tort liability [8].

### **The Civil Liability of the Doctor and its Limitations in the Jordanian Civil Law**

The Jordanian legislator established the civil liability of the physician based on the occurrence of the harm and not the medical error. If a medical error occurred, but no harm occurred from it to the patient, this negates the civil liability of the physician. The act that led to the occurrence of the damage is the one that needs to be guaranteed, which is stated in Article No. (256) in the Jordanian Civil Law, which stipulates that "every harm to others obligates the doer, even if he is not distinguished, to guarantee the harm." Therefore, in general, the concept of harm is the result of a medical error or non-medical. It should also be noted that the Arab laws have referred to all types of harm, which is material, moral or psychological. However, Jordanian civil law only recognizes the material or physical harm inflicted on the patient due to a medical error. It does not recognize the moral error and the fact that the perpetrator of the harm is asked about whether this error was made intentionally or unintentionally.

As for the legal nature of the physician's civil liability, it was not addressed and determined whether it was a tort or contract liability. The Jordanian Court of Cassation refrained from disclosing the type of civil liability of the physician, and the court could have determined the type of this liability on the basis of which compensation and penal sanctions would be entailed in one of the lawsuits. The judicial system that concerned public opinion, as a child had entered a private hospital in Amman as a result of a traffic accident and as a result of a medical error in diagnosis and treatment. Amman, which agreed to compensate the father in the amount of 4,000 Jordanian dinars as compensation for the damage that occurred to his daughter, and after the case was appealed to the Court of Appeal, the compensation amount was raised.

The owner of the hospital appealed this decision in the Court of Cassation, after examining the incident, the court found that the medical staff was at fault, headed by the owner of the hospital, and this is among what was stated in Article No. (288) of the Jordanian Civil Code, which stipulates that (no one is to be held responsible for the act of others). However, the court finds it justified to obligate who has actual authority to supervise and direct, even if he was not free to choose it, However if the harmful act was issued by the subordinate in the case of performing his job or because of the patient, it was the duty of the owner. The hospital and its staff observed the child's health condition, photographed her neck, and x-rayed her, as she was suffering from neck pain, and neglecting the neck imaging led to the error in treatment, which led to the child's permanent disability [9].

It is noted that the Court of Cassation has refrained from showing the nature of the civil liability of the owner of the hospital and the medical staff, and therefore to this time it has not specified the nature of the civil liability of the doctor in the Jordanian civil law. The incident on the doctor if it was proven that a medical error occurred from him that resulted in harm to the patient, which varied to tortuous liability as in Egypt and was tortuous liability in cases and contractual in other cases as in the Kingdom of Saudi Arabia, and the importance of determining the type of civil liability of the doctor is due to determining the type and severity of the punishment. Penal or compensation, as the nature of compensation differs in tort liability from contractual liability, which can be clarified in the following points:

- Contractual liability arises as a result of the doctor's breach of the contract concluded between



him and the patient, while tort liability arises as a result of the physician's breach of one of the laws, which is not to harm others, and therefore the penal punishment of tort liability is more severe than the penal punishment of contractual liability, and compensation in contractual liability includes expected damages in When tort liability extends to include unforeseen damages.

- Contractual liability requires the eligibility to discriminate, that is, the medical error has been made with the full awareness of the treating physician, while the tort liability does not require discrimination, and that is, it falls whether the doctor has made a medical error, whether intentionally or unintentionally [10].

## The Results

After we examined all parts of the study, we reached the following general conclusions:

1. The criterion for medical work is the practice of medical work in accordance with the general rules and principles recognized in the science of medicine, with the need for the doctor to be careful in his dealings, especially with diseases and sensitive surgeries, and this prevents the occurrence of medical errors.
2. Civil liability rests with the physician to the extent that the three pillars of civil liability are available: medical error, harm to the patient, and the establishment of the causal relationship between the error and the damage.
3. There are several types of civil liability of the physician, including tort and contractual liability, and Arab laws have defined the type of civil liability that takes the method of judgment and compensation.
4. It is necessary to determine the type of civil liability of the doctor if it is tortuous or contractual to determine based on the compensation if it will be on the expected damages only, either on the expected and unforeseen damages.
5. The Jordanian civil law did not recognize moral harm and only acknowledged material harm, and this is an evident shortcoming in Acknowledgment of the serious moral and psychological damage that the doctor may cause to the patient; in this case, the patient does not have the right to obtain appropriate compensation, Compared to Saudi and Egyptian laws have recognized the two harms either material harm or moral harm.
6. The Jordan laws do not contain provisions on the civil liability of the doctor, as they were included in the general civil law, which includes very few decisions issued in this regard, in contrast to the Kingdom of Saudi Arabia, which paid great attention to regulating the health sector through the issuance of a law A health organization that regulates the work of public and private health institutions. It also issued a unique system for the practice of health professions, defining the responsibilities of the doctor and the nature of the civil liability of the doctor, and indicated the cases in which the civil liability is tortuous and the cases in which it is contractual, as well as the effects of establishing civil liability on the doctor. In addition, it was interested in the formation of case bodies and special committees to hear cases related to establishing harm resulting from a medical error and appointed members who were appointed.

## Conclusion:

At the conclusion of our study, we clarify that civil liability suffers from severe shortcomings in its handling in the civil laws of most Arab countries, despite a large number of medical errors at present as a result of the development of medical science and the complexity of medical devices and tools used. Most laws that suffer from shortcomings in this regard are the Jordanian Civil Law Which did not specify the legal nature of the civil liability of the doctor. Therefore, there cannot be a fixed template for broadcasting lawsuits related to damages resulting from the establishment of a medical error. Which falls on the patient who was harmed, and she only admitted the material harm, and these are all shortcomings in the civil responsibility of the doctor in Jordanian law, but the best example to follow in this regard is the Kingdom of Saudi Arabia and its health law and the system of practicing health professions and its implementing regulations, As for the Egyptian Civil Law, it is less deficient than its Jordanian counterpart, as it defines the legal nature of the civil liability of the physician, which is a tort liability, which through Here, identify the grounds on which the broadcast is carried out in the lawsuits, as it is an acknowledgment of both psychological and material damage.

## Recommendations and Suggestions

Based on the general results that we reached from the comparative research study, some recommendations can be help of improve the issue of civil liability of the doctor in the Jordanian civil law:

- The legal nature of the physician's civil liability must be determined if it is tortuous or contractual or both according to the situation or situation in which the medical error occurred, which represents legalization of the nature of compensation that is imposed on the physician if the causal relationship between the damage and the error is established.
- A mandatory medical insurance system must be imposed on all members of the medical staff in public and private health institutions, which is an insurance system for professional errors, so that in the event of a medical error from the doctor resulting in harm to the patient, the insurance company bears the payment of compensation to the patient and this protects the rights of the patient in the event of If the doctor's financial level does not help him to bear the financial compensation.
- It is necessary to specify precisely when the civil liability is established on the doctor, in addition to the necessity of acknowledging psychological harm, such as admitting material harm.
- It is necessary to form expert and impartial nature committees to assist judges in broadcasting lawsuits related to medical errors, in addition to forming disciplinary committees in the Medical Syndicate to take the appropriate disciplinary penalty with the erring doctor.
- The Jordanian legislator must be concerned with the issue of some doctors practicing the profession without a license, in addition to the fact that some doctors practice specialties other than theirs and are not qualified to do them.

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