

Criminal Liability for the Doctor in Jordanian Legislation

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Abstract

The medical profession is both a human and a scientific profession. It is of great importance in the sphere of public life, in which it establishes an obligation on the doctor to take all necessary care to care for the patient as required by his or her work. And because of the importance and privacy of the medical work, the law has made a limitation that makes the doctor responsible for his or her medical work for his or her patient, because of the fact that medical work is an exception to the general principle of the inviolability of prejudice to the human body. The descriptive and analytical approach has been followed by extrapolating the legal texts adopted by the Jordanian legislature, which establish the criminal responsibility of the doctor, as well as the Jordanian judicial and comparative provisions on the subject matter of the study.

One of the most important findings of the researcher after the study had been completed was that the Jordanian legislator had made the basis of the legality of medical work the authorization of the law. The researcher had also come to the conclusion that there was little case law on decisions on medical liability, whether criminal or civil. And one of the most important recommendations recommended by the researcher was that, because of the unequal relationship between the patient and the doctor, the Penal Code should intervene in order to ensure that the patient was informed or fully satisfied with medical work.

key words: medical work, penal liability, doctor, patient, Jordanian legislator.