

**Contractual liability in Jordanian civil law**  
**(Comparative study)**

**Prepered by**

**Ra'ed Fawzi Ahmad Aburoub**

**Supervisor**

**Prof. Yaseen Mohammed Al Juboori**

**Abstract:**

This study dealt with the issue of contractual liability in the Jordanian civil law and the Egyptian and Iraqi civil laws a comparative stdudy. In order to achieve the objective of this study, it has been pointed out that the legislative shortcomings related to this issue in the Jordanian civil legislation and compared it with the Egyptian and Iraqi civil laws, in addition to studying the judicial rulings of the Jordanian Court of Cassation in this field and comparing them with the judicial rulings of the Egyptian Court of Cassation and the Iraqi Court of Cassation. To achieve this study, the researcher adopted the descriptive analytical approach and the comparative approach, so that the legal texts and judicial rulings on contractual liability in the Jordanian civil law and in judicial applications were reviewed, and analyzed by comparing them with the legal texts of contractual responsibility in comparative legislations and comparative judiciary, the research revealed that the Jordanian legislator did not address the provisions of contractual liability in an organized and comprehensive manner in the civil law, as covered by comparative legislations, but referred to them in some separate texts, which were sometimes deficient, and at other times, jurisprudence and the judiciary were forced to apply the texts of responsibility for the harmful act to the provisions of contractual liability. The study has recommended that the elements of compensation in contractual liability in Jordanian legislation should not be restricted to the subsequent loss only, but rather the opportunity must be opened for the loss of profit to be one of the compensation elements in the contractual liability, so that compensation is in the contractual liability for the subsequent loss and lost profit, as is the case with responsibility for the act Harmful, similar to comparative legislations.

**Keywords: Contractual liability, liability for harmful act, Elements of compensation, penalty clause, liability agreements.**