

## **Abstract**

This study aims to shed light on the civil liability of the doctor in the Palestinian legislation, and approach Israeli experience in this area, based on the two methodologies the analytical and the comparative. The study dealt with a set of points including:

- The nature of the civil liability of the doctor and its elements, and showed the arguments of those who say that it is contractual, and those who say that it is tort responsibility, then the study described the doctor's commitment which is originally the diligence, but in some exceptional cases, it becomes commitment to achieve the result, Then the study dealt with the elements of civil liability which are: the mistakes, the damage, and causation, and showed that the mistakes is evaluated according to the standards of the usual man.

- The rooting to the civil liability of the doctor which can be found in the provisions of justice magazine under the heading of warranty, and in the civil code No.36 of 1944 and its amendments
- The ability of making use of Israeli experience by studying Israeli legislations related to determining civil liability of the doctor, specifically the law of damage, which is the consolidated text of the amendments made to the Civil Code. Also making use of modern Israeli legislations, specifically the Patient's Rights Law. Then the study presented and analyzed some cases that resolved by Israeli judiciary and related to the civil liability of the doctor, on the other hand the study dealt with the Palestinian legislations and presented a case still before the Palestinian courts, which is also related to the civil liability of the doctor to show how limited are the Palestinian legislations, and how ineffective is the Palestinian judiciary in determining the civil liability of the doctor.
- The study concluded a set of results including: the ability of rooting for the civil liability in the provisions of justice magazine and the civil code, and the ability of making use in this field from the Israeli experience.
- The study put a set of recommendations, the most important is speed up the legislation of modern specialized Palestinian laws in the civil liability of the doctor