

CRIMINAL LIABILITY FOR PHYSICIAN ERROR

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ABSTRACT

The law allows the doctor to be exposed to the human body during the stages of medical work, but with restrictions and conditions and in accordance with the rules and assets common in the medical field, but this exposure has led in some cases to the wrong injury or wrong death, it raises the question of the doctor's criminal responsibility for this error. What we want to clarify in this research is the criminal error or sin committed by the doctor in violation of the rules and scientific assets, and the error of the doctor is the basis to lead to legal liability, whether this responsibility civil or criminal, and then can be attributed to the doctor of the perpetrator And to charge him.

The criminal responsibility of the doctor is based on a fundamental corner is the error committed by the doctor, either negligence and carelessness and shortening and departure on the rules and medical assets required by science or recognized in theory and scientifically. The doctor's responsibility is subject to the general rule, which stipulates that the doctor is obliged to take a due care to observe the scientific and therapeutic means required by science. This does not mean that the doctor is committed to applying the scientific and technical assets as applied by other doctors. Do you have anything else? In general, the doctor is committed to the scientific efficiency and technical effectiveness usually expected an act that arises when the doctor violated his professional duties, by leaving the implementation of the obligations which is necessary for his patient.

KEYWORDS: *Responsibility–Medical Work -Medical Examination –Diagnosis–Patient -Medical Error – Negligence - Artificial Vaccination – Anesthesia*

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INTRODUCTION

Responsibility is closely related to man. It is the responsibility of a person to bear the consequences of his work and to be criminally responsible for any crime. He must be worthy of the responsibility and be aware of what he is doing, and above all, he must be wrong. This means holding the person accountable and punishing him for his crime and bearing the consequences of his actions, If a person commits a felony for which he has criminal responsibility, he shall be held accountable and punished for a criminal offense if he is entitled to bear this penalty; It bears the responsibility of the crime and the obligation to be subject to the criminal penalty established by law ⁽¹⁾.

Since the work of the doctor is primarily related to human life, health and safety, and therefore has a great impact on society, safety and security. The criminal doctor is responsible if the doctor's act constitutes the crime of murder or

(1) Dr. Ali Abdul Qader Al-Kahwaji - Explanation of the Penal Code - General Section - Criminal liability and punishment, Halabi rights publications. 2001. P322.

injury, whether deliberately so that the will of the person to commit the criminal act and the criminal result of it, or wrong, the criminal error has images of negligence and carelessness and non-observance and violation of laws and regulations.

There is no doubt that medicine, like the rest of science, is constantly developing and progressing, leading to the development of modern methods of treatment, which have become more effective in detecting, treating or preventing cases. Most modern medical experiments have achieved remarkable success in expanding the horizons of medical knowledge too many.

However, the great success of these experiments is not only through the detection of treatment for many diseases, but also the experiments and medical scientific research, which many of the people who were tested at risk, which raised the jurisprudence and judicial debate on the extent of criminal liability of the doctor for these trials, Treatment of the patient or scientific experiments conducted on the healthy.

Based on the above, and since criminal liability is the basis for the criminalization of medical work during the practice of medicine, we will address in this research the doctor's error as the basis of criminal liability in the first subject and then criminal responsibility for modern medical work in the second section.

PHYSICIAN ERROR AS A BASIS FOR CRIMINAL LIABILITY

DEFINITION OF MEDICAL WORK

Definition of Medical Work in Jurisprudence

In the definition of medical work, the jurisprudence was divided into two directions. The first went to the narrow concept of medical work, which was limited to the mere treatment of the patient. He said, "It is the work of a specialized person for the healing of others. In the science of medicine"⁽²⁾.

Some of them defined it as "an activity that agrees in the manner and conditions of its relationship with the rules established in the science of medicine, and in itself goes in accordance with the normal course of things to the healing of the patient, and the original to be therapeutic, that is aimed at getting rid of the disease or reduce the severity or just ease the pain, As well as medical acts aimed at detecting the causes of ill health or simply preventing disease"⁽³⁾

According to these views, medical work, whatever it is practiced, is no more than the necessity of medical treatment.

This view has been criticized. These definitions are limited because they limit medical work to treatment without exposure to other medical work aimed at maintaining the health and organization of the patient's life. Medical work has a broader concept. The doctor also serves to guide and organize the organic life of the patient in view of the circumstances of his professional and practical life.

Which led to another aspect of jurisprudence, he pointed out that the concept of medical work expands beyond what was called by the previous opinion much, since the role of the treating physician not only to heal the patient only or protect him from diseases, Medical work is any activity that responds to the human body or the same, and agrees in nature and manner with the scientific assets and rules that are recognized theoretically and scientifically in the science of

(2) Jean Savatier, Marie Auby, H. pequignot. Traite de droit medical, librairies techniques 1956. P11. Referred to, dr. Ramadan GamalKamel, Responsibility for Civil Physicians and Surgeons; First Edition, National Center for Legal Publications, Egypt, 2005, p.23.

(3) Dr. Mahmoud Naguib Hosni - Explanation of the General Penal Code - House of the Arab Renaissance 1999 p.172.

medicine, and is done by a doctor licensed by law.

He referred to the definition of medical work as "any activity that responds to the human body, or itself, and agrees in nature and manner with the scientific assets and rules that are theoretically and practically recognized in the science of medicine and performed by a doctor authorized by law to detect, diagnose and cure the disease, Relieve the pain of the disease, reduce or prevent the disease or aim to maintain the health of individuals or to achieve a social interest subject to the satisfaction of those who are doing this work⁽⁴⁾.

The researcher believes that the scientific development in the field of medicine has led to the broadening of the concept of medical work, Implantation of embryos within the uterus, In addition to cosmetic operations. And the work of some doctors and medical institutions major medical scientific experiments.

Definition of Medical Work in French Legislation

The French legislation was devoid of explicit provision for medical work, but it was possible to deduce this through the various texts of French medical law. Before that, medical work was limited to treatment only. In the Law of November 30, 1892, that only treatment and garages are medical work, and if performed by a person other than the doctor is considered an illegal practice, until the Public Health Act of 24 December 1945, amended on 15 October 1953, which added the diagnosis to the treatment and considered it a medical act⁽⁵⁾.

This situation is largely consistent with the classical jurisprudential approach that defines medical work in two essential elements: diagnosis and treatment description. However, the content of medical work in the new French law can be deduced by reference to the text of article L.4161-1 of the Public Health Act, punishing the illegal practice of medicine.

This article states that "Any person who participates as a regular doctor in the diagnosis or treatment of diseases by means of a personal act shall be considered orally, in writing or in any other manner whatsoever, or to engage in any of the acts specified in the medical code specified by the Minister of Health after taking The opinion of the National Academy of Medicine without obtaining the certificate required for practicing medicine in accordance with the text of Article (L.4161-1) of the Public Health Law⁽⁶⁾.

Although the French legislator provided for the diagnosis and treatment, it did not clearly define them or define the concept of each approach to the majority of laws in this regard, leaving it to jurisprudence and the judiciary.

(4) Dr. Mansoor Omar Al Maaita - Civil and Criminal Liability in Medical Errors - Naif Arab University for Security Sciences - First Edition - Riyadh 1425 H. 2004.p.15.

(5) Dr. Osama Abdullah Kayed - Criminal liability of doctors - Dar al-Nahda Arab 1990 p.51.

(6) French text:

1. Toute personne qui prend part habituellement ou par direction suivie, même en présence d'un médecin, à l'établissement d'un diagnostic ou au traitement de maladies, congénitales ou acquises, réelles ou supposées, par actes personnels, consultations verbales ou écrites ou par tous autres procédés qu'ils soient, ou pratique l'un des actes professionnels prévus dans une nomenclature fixée par arrêté du ministre chargé de la santé pris après avis de l'Académie nationale de médecine, sans être titulaire d'un diplôme, certificat ou autre titre mentionné à l'article L. 4131-1 et exigé pour l'exercice de la profession de médecin, ou sans être bénéficiaire des dispositions spéciales mentionnées aux articles L. 4111-2 à L. 4111-4, L. 4111-7, L. 4112-6, L. 4131-2 à L. 4131-5 ; Article L4161-1, Modifié par Ordonnance n°2017-48 du 19 janvier 2017 - art. 2.

Medical Work in Egyptian Legislation

The Egyptian legislator followed the approach of the French legislator. The Egyptian legislator did not explicitly refer to the definition of medical work⁽⁷⁾, although its content is derived from some provisions of Egyptian medical law.

Article 4 of Law No. 415 of 22 July 1954 on the practice of medicine states: "No one shall give medical advice or clinic, surgery, direct birth, prescription of medication or treatment of a patient, or taking a sample Of the samples determined by decision of the Minister of Public Health from the body of human patients for laboratory medical diagnosis in any way or prescription of medical glasses, and in general the practice of the medical profession in any capacity only if he is an Egyptian or a country whose laws allow Egyptians to practice medicine, With a record of doctors at the Ministry of Public Health and a schedule of the Medical Association of Physicians And that without prejudice to the special provisions governing the obstetric profession"⁽⁸⁾.

As stated in the text of Article 9 of the Code of Ethics that: "The doctor may not apply a new method of diagnosis or treatment if the test has not been completed in the proper scientific and ethical manner, and published in the approved medical journals and proved their validity and authorized by the competent health authorities, Nor shall he also unjustly attribute to himself any scientific disclosure or claim to be his individual."⁽⁹⁾.

Article (15) of the same regulation states that "A physician may not diagnose a disease or recommend treatment through oral, written or visual data without the patient's interview and examination in person.

It is clear from the aforementioned texts that medical work mainly includes the diagnosis and treatment of diseases and, in general, all that the doctor can do by virtue of his specialty of prescription drugs, conducting various surgical operations, sampling, and counseling and others. Thus, the Egyptian legislator has taken the broad concept of medical work just like the French legislator.

Definition of Medical Work in UAE Legislation

Pursuant to the Egyptian approach, article 1 of the Federal Law No. 7 of 1975 on the practice of the human medical profession states that "No one shall practice the profession of human medicine in companies, clinics, private hospitals or private institutions or establishments in the UAE unless Was authorized to practice this profession from the Ministry of Health and registered with it in accordance with the provisions of this law; and the Minister of Health determines by virtue of what comes within the meaning of the profession of human medicine.

The UAE legislator did not address the definition of medical work - as did the French-Egyptian legislator - leaving the definition of the meaning of the profession of human medicine to the Minister of Health determined by ministerial decision. This definition did not come out of the Egyptian text, but the Egyptian legislator mentioned the work that was considered a medical act, which he defined as "providing medical advice or clinic, surgery, direct birth, prescription of medication or treatment of a patient. By the doctor and prepare medical work and left the determination of the Minister of Health.

(7)Dr. Osama Abdullah Kayed – op.cit. p. 51.

(8) As amended by Law No. (491) of 1955, Law No. (319) for the year 1966, and Law No. (29) And (46) for the year 1965. Quoting: Sherif Tabakh, Medical Crimes and Reparation, University Thought House, 2005, p. 281.

(9) Decision of the Egyptian Minister of Health No. (238) for the year 2003; dated 5/9/2003.

THE STAGES OF MEDICAL WORK

With the rapid scientific development in the medical field, it has expanded in scope and included medical work in several stages, not starting with diagnosis and treatment, but began to prevent diseases through vaccinations that protect the body from infectious diseases, so begins medical work for the patient before the diagnosis and treatment, Then write the prescription, and finally comes the stage of therapeutic control.

Phase I: Medical Examination

Is the examination of the patient apparent examination begins with the relationship between him and the doctor, where is detected in the first hearing the doctor to the patient about the path of disease and genetic effects on him, and examined the apparent examination by observation of signs and clinical evidence, The patient may use his or her hand, ear or eyes to check the presence of certain signs or phenomena that help diagnose the disease after a correct diagnosis. This is called a preliminary examination.

The condition may require that the doctor resort to certain procedures and laboratory tests to determine the patient's specific condition, so that the diagnosis is correct, in which the doctor to conduct more in-depth tests to indicate the state of health, and the degree of seriousness of the disease, and then specified precisely⁽¹⁰⁾, Using more sophisticated methods. These laboratory tests require the application of certain rays (rays on the bones, heart rate, magnetic resonance, the use of analogues, blood analysis, etc.).

Phase II: Diagnosis

After the various medical examinations with the patient, according to the logical results arranged by these procedures, the doctor determines the diagnosis of the disease determines the nature of the disease and the degree of seriousness, where the diagnosis is the opening stage that begins treatment⁽¹¹⁾, and then begins to determine the method of treatment to be followed with the patient Until it reaches the patient's healing.

Diagnosis is not only science-based, but it is also based on experience and intelligence, and therefore doctors differ in their abilities and skills. Some may err in diagnosis, and the error may be simple and may be serious.

Some defined the diagnosis as "the specific work of the patient, its characteristics and causes"⁽¹²⁾;The diagnosis is: research and verification of the type of disease suffered by the patient, and diagnoses a doctor general practitioner or specialist doctor, must require the doctor-diagnosed scientific knowledge, which is to obtain a scientific certificate that allows him to practice the profession of medicine, Public health and the Medical Association of the Medical Association. Its diagnosis is therefore based on conformity with internationally recognized scientific and medical principles in terms of accuracy and care in diagnosis.

The doctor, who is in the process of diagnosing the disease accurately, should use modern medical devices, such as magnetic resonance imaging, cardiology, and modern methods of analysis and radiation, to verify the condition before the stage of treatment.

(10) Dr. Osama Abdullah Kayed – op.cit.p. 65.

(11)Dr. Mohamed Sami Al-Shawa - Medical error before criminal justice - comparative study - in the Egyptian and French courts - Dar al-Nahda al-Arabiya 1993 p.7.

(12)Dr. Osama Abdullah Kayed – op.cit. p. 62.

This means that a diagnosis error is not a medical error as long as the diagnosis is supported by radiation; The Paris court has made clear that the diagnosis by the surgeon, who was described as an ulcer according to a radiograph, was, in fact, cancer in the stomach⁽¹³⁾.

Stage III: Treatment

This stage is closely related to the diagnosis phase, which comes immediately after the diagnosis. The doctor determines the nature, type, and degree of seriousness of the disease and begins directly to choose the appropriate treatment that leads to the patient's recovery or to the satisfactory condition. Care should be taken towards recovery⁽¹⁴⁾.

Some doctrines have defined treatment as "the means that lead to healing from the disease, reducing its dangers or alleviating its pain, either by sedating or eradicating it."⁽¹⁵⁾ Because of the close association between diagnosis and treatment, it is difficult to separate them because of what happens in the case of the patient from the need to continue treatment or poor condition need to change treatment or stop, depending on the diagnosis of the doctor who follows this condition.

Most of the legislation did not specify a definition of treatment, but the Paris court indicated that any procedure whatsoever would cure the disease or achieve a satisfactory condition⁽¹⁶⁾.

Article (L1110-5) of the French Public Health Act states: "Everyone, according to his / her health and the need for medical interventions, shall have the right to receive the most appropriate treatment, care and benefit from treatments whose effectiveness is recognized for the prevention of health and the alleviation of suffering. Prevention, treatment, and care are of a disproportionate degree of risk compared to the expected benefit"⁽¹⁷⁾.

The Egyptian legislator did not address the definition of treatment, but made it a medical act that should only be practiced by the licensed doctor in accordance with the conditions stated in article 1 that "No one shall give medical advice or clinic, surgery, birth or description Or taking a sample of samples determined by decision of the Minister of Public Health from the body of human patients for laboratory medical diagnosis in any way or prescription of medical glasses, and generally practicing the medical profession in any capacity, unless he is an Egyptian or a country whose laws permit Egyptians Practicing the medical profession, and his name was restricted The Registrar of Physicians at the Ministry of Public Health and the schedule of the Medical Union of Physicians⁽¹⁸⁾, without prejudice to the special provisions

(13) Dr. Mohamed Sami Al-Shawa -op.sit. p.11

(14)Article (4) of the Kuwaiti Law No. 25 of 1981 on practicing the profession of human medicine, dentistry and allied professions, the licensed doctor has committed to practicing the profession of health in the performance of his work, and to use all his information and conscience and ethics required to achieve this goal.

(15)Ahmed Abdel-KarimMoussa Al-Sarayra - Insurance from civil liability resulting from medical errors - First edition - Dar Wael Publishing and Distribution - Jordan - Amman - 2012 p.39.

(16) Dr. Osama Abdullah Kayedop.sit. p.65

(17)French text:

Article L1110-5 Toutepersonne a, comptetenu de son état de santé et de l'urgence des interventions quecelui-ci requiert, le droit de recevoir, surl'ensemble du territoire, les traitements et les soins les plus appropriés et de bénéficier des thérapeutiquesdontl'efficacitéest reconnue et qui garantissent la meilleuresécurité sanitaire et le meilleurapaisement possible de la souffrance au regard des connaissancesmédicalesavérées. Les actes de prévention, d'investigationou de traitementset de soins ne doivent pas, en l'état des connaissancesmédicales, lui faire courir de risquesdisproportionnés par rapport au bénéficecompté. Modifié par LOI n°2016-87 du 2 février 2016 - art. 1

(18) Steps to extract the license to practice the profession: 1 - Request to extract the practice of the profession in the union. 2. Original graduation certificate or equivalent. 3 - Certificate of the year of excellence (original) or equivalent. 4. The

governing the obstetric profession".

Article 15 of the Code of Ethics promulgated by the Minister of Health and Population Decree No. 238 of 2003 dated 5 September 2003 stipulates that "a doctor may not diagnose a disease or recommend treatment through oral, written or visual data without a patient interview and examination of him personally. This decision also defines treatment.

As well as the text of Article (20) of the above-mentioned regulation under the title of the doctor's duties towards patients, that "the doctor should do everything in his power to treat his patients and work to alleviate their pain and improve treatment and equal care in them without discrimination."

We have not found a definition of treatment, but only the doctor's role in alleviating suffering and good treatment and care and treatment, because sometimes it is impossible to cure the doctor to relieve the pain of the patient, as in cancer, where care is taken to reduce the increase of pain with some drugs and analgesics ⁽¹⁹⁾.

Article (25) of the UAE Law No. (7) For the year 1975 concerning the practice of the human medicine profession stipulates that "the doctor shall be responsible for the result reached by the patient if he is found to have taken the necessary care and resort to all means followed by the usual person of his art in diagnosing the disease and describing treatment." The researcher believes that this article considered that the treatment is based on the correct diagnosis with the necessary care in diagnosis and description of treatment.

Phase IV: Prescription

The medical prescription is the document or document that establishes the relationship between the doctor and the patient, in which the doctor confirms the examination and diagnosis, in which he determines the treatment of medicine whether to relieve the pain or to prevent the aggravation of the disease. Article 1 of the Egyptian Medical Practice Law states that " Medicines may be prescribed only if they are Egyptian or from a country whose laws permit Egyptians to practice medicine." It is clear from this text that the prescription is a medical action that must be performed by the doctor after diagnosis and treatment.

The French legislator went to the need to edit the prescription to prove the diagnosis and treatment in writing, and must identify the disease and the quality and description of the medical work and is based on the implementation and direct, and to prove the description clearly so that the patient to take it as the doctor wants to treatment ⁽²⁰⁾.

attitude of conscription to male doctors. 5 - Copy of the national identity card or passport copy for non-Egyptians. 6-2 photos. 7. Receipt of payment of the union's contribution. 8. Birth certificate.

(19)Dr. Fatima Yousufawi - The Criminal Responsibility of Physicians in Human Organ Transplantation and Transplantation, Comparative Study, PhD Thesis from Abu BakrBelqayd University, Tlemcen, Algeria 2014-2015, p.29.

(20)French text:

Article L1110-5-3 Toute personne a le droit de recevoir des traitements et des soins visant à soulager sa souffrance. Celle-ci doit être, en toute circonstance, prévenue, prise en compte, évaluée et traitée.

Le médecin met en place l'ensemble des traitements analgésiques et sédatifs pour répondre à la souffrance réfractaire du malade en phase avancée ou terminale, même s'ils peuvent avoir comme effet d'abrèger la vie. Il doit en informer le malade, sans préjudice du quatrième alinéa de l'article L. 1111-2, la personne de confiance prévue à l'article L. 1111-6, la famille ou, à défaut, un des proches du malade. La procédure suivie est inscrite dans le dossier médical.

Toute personne est informée par les professionnels de santé de la possibilité d'être prise en charge à domicile, dès lors que son état le permet. Créé par LOI n°2016-87 du 2 février 2016 - art. 4

Phase V: Therapeutic Control

The therapeutic control is one of the most important elements in the medical work, as it results in the achievement of the desired goal of treatment, both in the stage of treatment with drugs, where the doctor follows the effect of drugs if they have side effects affect the health or life of the patient, or follow-up and control after surgery to avoid For the occurrence of complications, and work to make the process successful so that the patient from the case of anesthesia, and even if the failure of the process, the doctor to control so as not to worsen the condition of the disease worse; the doctor's role here to continue to care and to do the utmost care.

The doctor must take care and caution during the treatment of the patient, and must follow up and control to ensure the integrity of his work, and see some jurisprudence that the doctor is committing an error when he stops treatment of his patient unjustified and when the delay in the control of his patient, which entails his responsibility; Surgery The doctor must continue to follow and monitor the patient several times as required by the conditions of the condition and the need for surgery for medical follow-up.

GENERAL CONDITIONS FOR PRACTICING MEDICAL WORK

The various legislations have permitted the exposure of human bodies in certain cases, where the legality of certain acts that are considered to be crimes is determined by a particular group of people, namely, dress. Under certain conditions, the injury of a human body is considered a crime of victimization, This wound from the surgeon who is undergoing surgery for treatment is not a criminal offense; such acts are based on the right of the law holder to practice medicine.

However, the jurisprudence and the judiciary have frequently stated that there are certain conditions in order to get the act out of the scope of criminalization, these conditions are to obtain the license to practice medicine, and that the intention is to treat the patient, and must be satisfactory patient, Medicine. We will address them as follows:

Condition 1: Legal License to Practice Medicine

Various laws⁽²¹⁾, including Egyptian law, regulate the profession of medicine. The practice of treating the sick is to obtain a license to perform the work required by the medical profession. The basis of the legality of medical work is due to the law of the legislator, License⁽²²⁾.

The practice of medical and surgical work requires exposure to the safety of the human body. These actions are consistent with the legal model of crimes against physical integrity. However, they are outside the scope of criminal protection established by law on the human body, if they do not meet the objective conditions for obtaining permission⁽²³⁾.

The law permits physicians who have a license to practice medicine as required by law, to be registered in the register of doctors at the Ministry of Health, and in the schedule of the Medical Syndicate, to expose the bodies of patients to medical work and surgical interventions, regardless of their severity. In medicine and after obtaining satisfaction from

(21)Of this legislation is the French law see article (L111-1) of the Public Health Act and amended by Law No. 86-2017 on 27 January 2017 Article 197. UAE Law No. (7) of 1975 in Article I.

(22)Dr. Fatima Yousufawi - op.sit. p.20

(23) Dr. Tariq Ahmed Maher Zaghoul - Legal Conditions for the Permission of Transplantation and Transplantation of Human Organisms, in light of Law No. 5 of 2010 and its Executive Regulations, A Comparative Analytical Study of the Arab Renaissance House - First Edition, 2015, p. 5.

the patient by doing such acts and medical interventions; otherwise, these acts are marked as illegitimate.

According to article 1 of the Egyptian law, "No one may give medical advice or, in general, the practice of the medical profession in any capacity unless he is an Egyptian or a country whose laws permit Egyptians to practice medicine. Doctors at the Ministry of Public Health, and the schedule of the Medical Association of Physicians, without prejudice to the special provisions governing the obstetric profession."

Medical work carried out by an unauthorized person is considered a crime punishable by law. Anyone who carries out an operation without this license is guilty of an offense of causing injury, in addition to the offense of practicing medicine without a license. And the wisdom of criminalizing the practice of the medical profession without a license, protecting the human being and maintaining his health and safeguarding the futility of intruders on the medical profession, since they have no elements of preparation that qualify them to start that profession and if they succeed in failure many times⁽²⁴⁾.

The Egyptian Court of Cassation ruled in a recent ruling⁽²⁵⁾ that "the original is that any violation of the victim's body is criminalized by the Penal Code and the law of practicing the medical profession, but the law allows the doctor to act because he has obtained scientific leave according to the rules and regulations. The law of the profession has to be obtained before it is actually exercised. It is also suggested that the basis of the doctor's failure to use the right under the law is that the person who does not have the right to practice medicine is asked about what he is doing with other wounds and so on as an aggressor. Of punishment only when the state of necessity is established on their legal terms.

Therefore, a medical license can be defined as obtaining the educational qualification necessary for practicing the medical profession, obtaining a bachelor's degree from any Faculty of Medicine in the Egyptian universities or having an equivalent foreign degree or diploma.

Article 2 of the Egyptian Medical Practice Law stipulates that "whoever holds a Bachelor's degree in Medicine and Surgery from an Egyptian university or a holder of a foreign equivalent degree or diploma shall be registered with the register of the Ministry of Public Health. He shall successfully pass the examination stipulated in Article Third⁽²⁶⁾.

Article (L4161-1) of the French Public Health Act stipulates that a medical practitioner must obtain the certificate determined by the decision of the Minister of Health after taking the National Academy of Medicine⁽²⁷⁾.

(24) Munir Riad Hanna - Criminal liability of doctors and pharmacists - University Publications House 1989 p. 181.

(25) Appeal number 36048 for the year 85 BC session 6/9/2017.

(26) Article (3) of the Egyptian Medical Practice Law, the exam of holders of foreign diplomas or diplomas shall be in accordance with the final exam syllabus of the bachelor degree in medicine from one of the Egyptian universities. The examination shall be conducted before a committee composed of doctors chosen by the Minister of Public Health before each exam, Egyptian Medical Colleges. Law No. 415 of 1954 regarding the practice of medicine.

(27) French text:

Article L4161-1 "Toutepersonne qui prend part habituellementou par direction suivie, même en présence d'un médecin, à l'établissement d'un diagnostic ou au traitement de maladies, congénitalesouacquises, réellesousupposées, par actespersonnels, consultationsverbalesouécritesou par tousautresprocédésquelsqu'ilsoient, oupratiqueun des actesprofessionnelsprévusdansune nomenclature fixée par arrêté du ministre chargé de la santé pris après avis de l'Académieinternationale de médecine, sans êtreetitulaire d'un diplôme, certificatouautrementmentionné à l'article L. 4131-1 et exigé pour l'exercice de la profession de médecin, ou sans êtrebénéficiaire des dispositions spécialesmentionnées aux articles L. 4111-2 à L. 4111-4, L. 4111-7, L. 4112-6, L. 4131-2 à L. 4131-5 ;Modifié par Ordonnance n°2017-48 du 19 janvier 2017 - art. 2 "

Article (L4111-1) defined general conditions for medical practice⁽²⁸⁾, stating that "No person shall practice the profession of medicine, dentistry or midwife if he is not:

- Holder of another certificate or title mentioned in articles (L.4131-1, L.4141-3 or L.4151-5).
- French nationality, Andorran nationality, a citizen of a Member State of the European Union or party to the Agreement on the European Economic Area.
- 3 - Registration in the table of doctors or schedule of dentists or table midwives...
- In the British Medical Code, in the consolidated version, following the modifications in the first part of the item (2), medical practitioners are registered, but medical practitioners must be registered in the registry of practicing physicians⁽²⁹⁾.

Condition II: Intent Treatment of the Patient

If the purpose of the medical intervention is to conduct a scientific experiment on the patient, here is the doctor came out of what was allowed by the law, and enter the circle of criminalization and then subjected to criminal responsibility⁽³⁰⁾, Also, if the medical intervention is a lack of good faith such as a doctor who performs a surgical operation Damage or release him from military service, Or for the purpose of conducting a scientific experiment to ascertain the effectiveness of a new drug, or any new means, the doctor is liable to criminal accountability⁽³¹⁾.

But the law allows the doctor to intervene as a surgical experiment to treat a patient, provided that the injury is greater than what he complains of, may be required to seek treatment in all medical work, whether sick or cosmetic surgery, which is inevitable treatment only with this surgery either to correct physical defects affect the psyche patient, Or deformities, for example, from injuries to fires or other accidents.

In the first chapter of the Public Health Act, "General Principles on Human Research", article 11 (L1211-1), the French legislator has determined that research conducted and practiced on humans for the development of biological and medical knowledge is authorized under the conditions set forth in this book, Hereinafter referred to as "human research".

(28)French text:

Conditions générales d'exercice. Article L4111-1: Nul ne peut exercer la profession de médecin, de chirurgien-dentiste ou de sage-femme s'il n'est :

°1 Titulaire d'un diplôme, certificat ou autre titre mentionné aux articles L. 4131-1, L. 4141-3 ou L. 4151-5 ;

°2 De nationalité française, de citoyen neté andorran ou ressortissant d'un Etat membre de l'Union européenne ou partie à l'accord sur l'Espace économique européen, du Maroc ou de la Tunisie, sous réserve de l'application, le cas échéant, soit des règles fixées au présent chapitre, soit de celles qui découlent d'engagements internationaux autres que ceux mentionnés au présent chapitre ;

°3 Inscrit à un tableau de l'ordre des médecins, à un tableau de l'ordre des chirurgiens-dentistes ou à un tableau de l'ordre des sages-femmes, sous réserve des dispositions des articles L. 4112-6 et L. 4112-7 .

(29) Medical Act 1983, part 1 preliminary:

2. Registration of medical practitioners: (1) There shall continue to be kept by the registrar of the General Council (in this Act referred to as "the Registrar") a register of medical practitioners registered under this Act containing the names of those registered and the qualifications thereof to be "the register of medical practitioners" they are entitled to have registered under this Act. (consolidated version with amendments).

(30) Dr. Abdul Fattah Bayoumi Hijazi - Medical responsibility between the jurisprudence and judicial - University Thought House 2007 p.54.

(31) Dr. Alsayd Abdel Wahab Arafa - Criminal, Civil, Disciplinary and Pharmacological Responsibility - First Edition - National Center for Legal Publications - 2009 p.25

There are three categories of human research⁽³²⁾:

- Research requiring intervention not justified by the usual care of the person.
- Research requiring an intervention involving minimum risks and restrictions, established by a decree issued by the Minister of Health, after consultation with the Director General of the National Agency for the Safety of Drugs and Health Products.
- Non-intervention research that does not involve any risks or restrictions in the execution of all works and products used in the usual manner.

However, the French legislator explicitly stated in the article (L1211-2) that no research on human beings could be conducted⁽³³⁾:

- If you are not based on the latest state of scientific knowledge and sufficient experience before the clinic.
- Whether the anticipated risk to those conducting the research is not commensurate with the expected benefit of these persons or for the benefit of this research.
- if it is not intended to expand the scientific knowledge of man and means that are likely to improve his condition.
- If research involving a human being does not work to relieve pain, discomfort, fear, and any other damage from illness or research, paying special attention to the maturity of minors and the ability to understand adults who are unable to express their consent.
- The interest of those who can search for man always outweighs the only interests of science and society.

(32)French text:

Article L1121-1:Les recherches organisées et pratiquées sur l'être humain en vue du développement des connaissances biologiques ou médicales sont autorisées dans les conditions prévues au présent livre et sont désignées ci-après par les termes " recherche impliquant la personne humaine ".

Il existe trois catégories de recherches impliquant la personne humaine :

1° Les recherches interventionnelles qui comportent une intervention sur la personne non justifiée par sa prise en charge habituelle ;

2° Les recherches interventionnelles qui ne comportent que des risques et des contraintes minimales, dont la liste est fixée par arrêté du ministre chargé de la santé, après avis du directeur général de l'Agence nationale de sécurité du médicament et des produits de santé ;

3° Les recherches non interventionnelles qui ne comportent aucun risque ni contrainte dans lesquelles tous les actes sont pratiqués et les produits utilisés de manière habituelle. Modifié par Ordonnance n°2016-800 du 16 juin 2016 - art. 1.

(33)French text:

Article L1121-2:Aucune recherche impliquant la personne humaine ne peut être effectuée :

- si elle ne se fonde pas sur le dernier état des connaissances scientifiques et sur une expérimentation préclinique suffisante ;
- si le risque prévisible encouru par les personnes qui se prêtent à la recherche est hors de proportion avec le bénéfice escompté pour ces personnes ou l'intérêt de cette recherche ;
- si elle ne vise pas à étendre la connaissance scientifique de l'être humain et les moyens susceptibles d'améliorer sa condition ;
- si la recherche impliquant la personne humaine n'a pas été conçue de telle façon qu'elle réduise au minimum la douleur, les désagréments, la peur et tout autre inconvénient prévisible lié à la maladie ou à la recherche, en tenant compte particulièrement du degré de maturité pour les mineurs et de la capacité de compréhension pour les majeurs hors d'état d'exprimer leur consentement.

L'intérêt des personnes qui se prêtent à une recherche impliquant la personne humaine prime toujours les seuls intérêts de la science et de la société.

La recherche impliquant la personne humaine ne peut débuter que si l'ensemble de ces conditions sont remplies. Leur respect doit être constamment maintenu. Modifié par LOI n°2012-300 du 5 mars 2012 - art. 1 (V)

- Research involving human beings can only begin if all these conditions are met, and their respect must be maintained continuously.

On the other hand, article 16.3 of the French Civil Code stipulates that "the physical integrity of a person may be violated only in the case of a person's medical necessity or exceptionally for the benefit of others. The consent of the person concerned must be obtained in advance only if his / Therapeutic intervention and his condition did not permit the expression of consent"⁽³⁴⁾.

There is no doubt that these texts dealt with the non-aggression on the physical integrity of the human being, except in the therapeutic necessity that can justify medical intervention to attack the safety of the human body; but the texts did not specify what the therapeutic necessity and limits, but are drawn from the practical reality of the serious illness that needs to intervene Otherwise his condition may worsen and lead him to death.

In the opinion of the researcher that the purpose of this text is that the attack on the integrity of the body is in the case of necessity, meaning that the patient's need for treatment through medical intervention, whether taking certain medications or surgery is a necessity to intervene in the attack on the integrity of the body, the doctor who performs a wound in the abdomen patient To perform appendicitis for fear of explosion in the patient's abdomen is not an attack on the integrity of the body, but are considered medical interventions in the case of need to require surgical intervention mentioned above.

Medical or surgical work is not lawful unless it is intended to treat or relieve the pain of the patient. The doctor or surgeon is responsible if he directs his art to this end, even if it is with the consent or urgency of the patient, even if he did not commit an error. The functions of his profession and his character and the availability of elements of responsibility in accordance with the general principles⁽³⁵⁾.

The doctor can also medically intervene without the consent or consent of the patient if his condition does not allow it, such as in the case of fainting and loss of awareness or the case of the minor and the insane, the consent of a legal representative must be obtained⁽³⁶⁾.

Condition III: Patient Satisfaction

There is no doubt in the general course of things that the patient voluntarily go to the doctor to sign the detection and diagnosis of the disease, and then determine the treatment that may lead to recovery where the doctor believes it, and this is considered the patient's satisfaction from undergoing treatment, so the patient's satisfaction includes knowledge of the nature of the medical work to which he is satisfied before starting treatment based on the patient's freedom and respect for his personal rights⁽³⁷⁾, It is not permissible to harm his body without his consent to what the doctor is doing, and every

(34)Text in French:

Article 16-3: Il ne peut être porté atteinte à l'intégrité du corps humain qu'en cas de nécessité médicale pour la personne ou à titre exceptionnel dans l'intérêt thérapeutique d'autrui.

Le consentement de l'intéressé doit être recueilli préalablement hors le cas où son état rend nécessaire une intervention thérapeutique à laquelle il n'est pas à même de consentir. Modifié par Loi n°2004-800 du 6 août 2004 - art. 9 JORF 7 août 2004.

(35) Dr.. Mohamed Abdel-Wahab El-Kholy - Criminal liability of doctors for the use of modern methods in medicine and surgery - first edition 1997 - without publisher - p.21.

(36) Dr. Tarek Ahmed Maher Zaghoul – op.cit. p.49.

(37)Dr. Mamoun Mohamed Salama - Penal Code - General Section - Fourth Edition Dar al-Fikr al-Arabi 1984 p. 210. Most of the legislation addressed the need to respect the patient's will whenever possible, and the doctor cannot perform

attack on the patient's freedom or rights entails criminal accountability when the doctor can obtain the patient's consent⁽³⁸⁾

The patient cannot be subjected to a specific treatment without his consent whatever his outcome ⁽³⁹⁾, Although the condition of his health is serious only in cases of necessity, which are exceptional cases such as coma and serious accidents, which must accelerate medical interventions, where it is impossible to take the patient's consent or satisfaction, but may be sufficient state of need that requires rapid medical intervention⁽⁴⁰⁾, It is not permissible to consider patient satisfaction as legitimate unless the medical intervention is intended to heal the patient and preserve his life⁽⁴¹⁾.

The patient's freedom to choose a doctor who treats him and goes to him voluntarily without coercion or coercion of anyone is the basic condition for medical intervention, but it is not a reason to allow intervention. This satisfaction is matched by the doctor's adherence to the medical rules, rules, and ethics in accordance with the law and regulations governing this profession. The doctor, otherwise it would be considered a violation of the sanctity and integrity of the body and constitutes a crime⁽⁴²⁾.

The doctor should also inform the patient of the fact of his or her health and possible complications if not treated, explain all the therapeutic alternatives and the benefits and risks of each method so that the patient can accept or reject medical intervention without pressure or coercion⁽⁴³⁾.

The patient should not be unaware of his health and potential complications. The patient should know the nature of his illness so that he can understand and assess his satisfaction with the medical intervention or not. We must also take into account the patient's mental state in case he is aware of all the possible consequences of the medical intervention and its seriousness. Diseases that may be affected by the mental state should be satisfied with the public information and not in detail⁽⁴⁴⁾.

And does not affect the availability of patient satisfaction, whether explicit or implicit, the patient's negative attitude such as silence and not to announce his consent or refusal to conduct medical surgical-intervention, and enter the operating room at the request of the doctor, in any case, the health of the patient in terms of being Free, conscientious and competent, so that satisfaction becomes void of its legal value if it is made by mistake, fraud or coercion⁽⁴⁵⁾.

Condition IV: According to the Scientific Fundamentals in Medicine

Every profession has its own rules and general rules governing the behavior of its practitioners. It is of a customary nature, in continuous evolution because it is flexible. Therefore, these rules and scientific principles of the

any treatment without the consent of the patient except in cases of necessity or loss of consciousness or lack of parents In case the patient is an event; such as French legislation and English legislation.

(38)Dr. ShoukiZakaria Al-Salhi - Artificial Insemination Between Sharia and the Laws of Status - Dar al-Nahda al-Arabiya 2001, p. 48.

(39)Dr. Fawzia Abdel Sattar - Explanation of the Penal Code - General Department - House of Arab Renaissance 1992 p. 160.

(40)Dr.. Ahmed Shawki Omar Abukhatwa - Criminal law and modern medicine - the first edition - Dar al-Nahda al-Arabiya 1986 p.106.

(41)Dr. Osama Abdullah Kayedop.sit.p.175.

(42) Dr..Abdulwahab Omar Al-Batrawi - The Criminal Responsibility of Physicians - The Arab Journal of Security Studies and Training - Volume 16 - Issue 31 p.21.

(43) Dr. EhabYouser Anwar - Civil and Criminal Liability of the Physician - PhD Thesis - Faculty of Law Cairo University in 1994 p.45.

(44) Dr. Osama Abdullah Kayedop.sit. p.173.

(45) Dr. Tarek Ahmed Maher Zaghoul – op.cit. p.6.

medical profession will remain constant and constant among doctors and surgeons⁽⁴⁶⁾; Medical or surgical work according to the rules and medical assets that are theoretically and scientifically recognized by doctors, which every doctor must teach at the time of practicing his profession. These rules and assets are of binding nature such as legal texts. This led to the doctor being committed to following these scientific rules and principles, Score result.

The departure from these rules and scientific assets in the medical field is a serious technical error is asked as a profession according to the image of the error committed⁽⁴⁷⁾.

The rules and medical and surgical assets are of two types. The first concerns the organization of social life as a whole, which includes caution and caution from all members of society. Disruption is negligence and the responsibility of the doctor is greater if the patient suffers more than his illness. It is harmful to the patient. And the second type, which is settled by the medical profession in the practitioner of their daily profession and the standard behavior of the doctor at a particular time and place⁽⁴⁸⁾.

On the other hand, we find that in addition to the traditional conditions precedent for practicing medical work, which lead to the existence of a fixed science recognized by medical scientists of old and recent; but there is a new science has been discovered through medical scientific research, such as the possibility of using members of the human body and its components to cure the disease After transplantation and transplantation, after testing and confirming its success and recording before conducting it on humans⁽⁴⁹⁾.

The Egyptian Court of Cassation ruled that it is stipulated that the doctor's work is conditional on the condition that his work is identical to the scientific assets prescribed and falling within his specialty. If excessive follow-up of these assets or otherwise violated the criminal liability according to the intention of the act and its result or shortness and failure to perform in the performance of his work, What proved by the ruling elements of the error that occurred from the appellant enough to carry the criminal and civil responsibility⁽⁵⁰⁾.

The Supreme Federal Court ruled in the United Arab Emirates in a ruling that "the responsibility of doctors is subject to general rule and that once the judge has been proven and has the error attributed to the doctor, whether professional or unprofessional and whatever the degree of serious or easy, the doctor must be held accountable for his mistake that the permissibility The doctor's work is conditioned on the fact that his work is identical to the scientific assets prescribed. If the above or other assets are infringed upon, he is liable to criminal responsibility according to the intention of the act or his failure or failure to perform the work and the doctor's obligation to perform his work is not an obligation to

(46) Dr. Abdul Wahab Omar Al-Batrawi- op.cit.p.40.

(47) Dr. Tarek Ahmed Maher Zaghoul – op.cit.p.7.

(48) Dr. Mamoun Abdel-Karim- Patient Satisfactionfor medical and surgical work - PhD thesis - Faculty of Law - University of Abu BakrBelqaid - Tlemcen 2006 p.44.

(49) Dr. Mansour Omar Al Maaitah – op. .cit. p.30.

(50)Appeal number 6944 for the year 66 session 25/3/2004. And the appeal No. 50587 for the year 72 session 16/4/2003. Another judge ruled that the responsibility of the doctor is not originally committed to achieve the goal of healing the patient, but is committed to make certain technical attention is required by the assets of the profession to which he belongs and his duty to do so Careful care of what is provided by a doctor attentive from the middle of his colleagues knowledge and knowledge in the circumstances surrounding him in the exercise of his work, taking into account the traditions of the profession and scientific assets fixed and stable in the science of medicine. Appeal no. 2941 for the year 69 session 1/6/2000.

achieve a result, Its an honest effort vigilant in line with assets that settled in the world of medicine."⁽⁵¹⁾.

THE LEGAL NATURE OF THE RESPONSIBILITY OF THE DOCTOR

That the responsibility of doctors is subject to the general rule, which states that the doctor is obliged to take due care to take into account the scientific assets and remedies provided by science when presented to him a case of cases that fall within the limits of which the science is a solution so as not to endanger the patient, The doctor is committed to apply the scientific and technical assets as applied by other doctors, but the right of the doctor to leave him a degree of freedom in choosing the method he deems better than others in achieving treatment, within the limits of what is stable in scientific and technical medical assets without criminal accountability⁽⁵²⁾.

The Egyptian Court of Cassation ruled that⁽⁵³⁾. "since the Court is satisfied that the doctor's negligence is gross medical negligence based on the fact that the plaintiff had to undergo urgent surgery on the civil right, and since the fault is fixed in the right of the accused that he has not performed the necessary surgery And not to intervene surgically at the time of the patient's presence in the hospital, as well as material and moral damage to the right of the civil right to eradicate her uterus, as well as the interruption of her hopes to have children, which disturbs her life. Because the constant availability of the causal relationship between error and damage and result as stated above, and the court reassured for the pillars of the case to the conviction of the doctor."

Therefore, it is the doctor's fault that leads to legal accountability, whether this responsibility is civil or criminal, and the Egyptian legislator has recognized the responsibilities of the doctor who makes a mistake during diagnosis or treatment and description of medication or during surgery.

What is Medical Error?

There is no doubt that the importance of medical error is due mainly to the criminal nature of the responsibility of the doctor, which differs from the nature of criminal responsibility for errors of ordinary people, but some jurisprudence is the theory of error, which applies to the criminal error theory is still unclear and increasingly complex, especially in the field of medical error⁽⁵⁴⁾.

In view of the legal basis adopted by the Egyptian legislator in articles 238 and 244 of the Penal Code and also the French legislator in article 121-3 of the Penal Code⁽⁵⁵⁾, we see it as based on the error which is the basis of criminal

(51) Appeals No. 365-420 of 2017 Criminal Penal Code - Medical Responsibility - The Supreme Court of the United Arab Emirates on 16/10/2017.

(52) Dr. Fatihah Mohammed Qorari, The Responsibility of the Criminal Doctor in Light of the Provisions of the Legislation and the Judiciary in the United Arab Emirates - Comparative Study, Journal of Law, Third Issue, 28th Year Kuwait, September 2003, p. 195.

(53) Appeal no. 31881 of the year 69 session of 20/12/2006. It was also stated in the judgment that "since it was supposed to permit the work of the doctor conditional on what is carried out in accordance with the prescribed technical assets, if excessive in the follow-up of these assets or otherwise violated the criminal and civil liability when the damage available - according to the intent of the act and its outcome Or lack of performance in the performance of his work, and was contested judgment has been taken from turning the patient to the hospital ... General Hospital, and not to perform surgery at the hospital Central, which saves the error in his side without the memorization of the amount of precaution that the seat And the extent of the care it has missed, as well as the circumstances surrounding the procedure The process of surgical victim's hospital.

(54)MunirRiad Hanna - Criminal liability of doctors and pharmacists - previous reference, p. 37.

(55)Text in French:

Article 121-3 Il n'y a point de crime ou de délit sans intention de le commettre. Toutefois, lorsque la loi le prévoit, il y a délit en cas de mise en danger délibérée de la personne d'autrui. Il y a également délit, lorsque la loi le prévoit, en cas de

responsibility. Prescribed in the general rules of any person who has committed a deliberate or unintentional error on the criminal responsibility of the doctor when he has committed any error leading to injury to the patient, there is no criminal responsibility without error.

Article 238 states that: "Whoever caused a mistake in the death of another person is due to negligence, sponsorship, non-observance or failure to comply with the laws, decrees, and regulations. The organization shall be punished by imprisonment for a period of not less than six months and a fine not exceeding two hundred pounds, The penalty shall be imprisonment for a period of not less than one year and not more than five years and a fine not less than one hundred pounds and not exceeding five hundred pounds or one of these two penalties if the crime is committed as a result of the violation of the physical assets of the offender or his craft, Drugged when he committed the mistake..."

Article 244 of the same law states that: "Whoever caused an error in injuring or injuring a person, due to negligence, care, lack of care or failure to comply with the laws, decrees, regulations and regulations shall be punished by imprisonment for a period not exceeding one year and a fine not exceeding two hundred pounds or The penalty shall be imprisonment for a term not exceeding two years and a fine not exceeding three hundred pounds or one of these penalties if it results from a permanent disability or if the crime occurred as a result of the serious breach of the offense imposed by the assets of his job or profession or craft or was abused or drugged when committed The error...."

Based on the above, the criminal responsibility of the doctor is based on a fundamental corner is the error committed by the doctor, either negligence and carelessness and shortcoming and departure on the rules and medical assets that are required by science or conventional theory and science, without the departure of the will to produce the result despite the possibility of anticipation⁽⁵⁶⁾.

Therefore, the criminal responsibility of the doctor is based on three pillars: error, harm, and causal relationship. The criminal responsibility is necessary to assume the error by the doctor. This error results in harm to the patient. The relationship between the error and the damage is shown. The error as an objective rule is based on the link between the offender's criminal act and the psychological connection between the act and its perpetrator⁽⁵⁷⁾.

Mistakes as a basis for the responsibility of the doctor raises many problems, some of them related to the definition of medical error, and the criteria that can resolve this error, including what is related to the scope of this error is responsible for the responsibility of the doctor, and other related to the extent of accountability of the doctor for this error,

fauted'imprudence, de négligence ou de manquement à une obligation de prudence ou de sécurité prévue par la loi ou le règlement, s'il est établi que l'auteur des faits n'a pas accompli les diligences normales compte tenu, le cas échéant, de la nature de ses missions ou de ses fonctions, de ses compétences ainsi que du pouvoir et des moyens dont il disposait. Dans le cas prévu par l'alinéa qui précède, les personnes physiques qui n'ont pas causé directement le dommage, mais qui ont créé ou contribué à créer la situation qui a permis la réalisation du dommage ou qui n'ont pas pris les mesures permettant de l'éviter, sont responsables pénalement s'il est établi qu'elles ont, soit violé de façon manifestement délibérée une obligation particulière de prudence ou de sécurité prévue par la loi ou le règlement, soit commis une faute caractérisée et qui exposait autrui à un risque d'une particulière gravité qu'elles ne pouvaient ignorer. Il n'y a point de contravention en cas de force majeure.

(56) Dr. Moufak Ali Obaid - The Criminal Responsibility of Doctors for Disclosure of Professional Secret - Culture Library for Publishing and Distribution - Jordan 1998, p.54.

(57) Dr. Abdulhamid Al-Shuaribi - Responsibility of Doctors, Pharmacists and Hospitals - Civil, Criminal and Disciplinary - Knowledge Establishment in Alexandria 1998 p.142.

The definition of medical error is very difficult, especially in the distinction between physical error and professional error, with no legal provisions for the idea of the serious error to hold the doctor accountable for the professional error.

While the sixth article of law no. (4) Of 2016 on medical responsibility. "Medical error is what committed by the practitioners of the profession for any of the following reasons:

- Ignorance of the technical things supposed to be familiar with everyone who practices the profession of the same degree and specialization.
- Not following the professional and medical assets recognized.
- Lack of due diligence.
- Neglect and lack of care and caution. The executive regulations of this decree shall specify the criteria for serious medical error."

The Supreme Federal Court of the United Arab Emirates ruled that "the responsibility of doctors is subject to general rule and that once the judge has ascertained and has established the error attributed to the doctor, whether professional or non-professional and whatever degree is serious or easy, the doctor must be held accountable for his error, The fact that the doctor's work is conditional on the condition that his work is identical to the prescribed scientific technical assets. If such assets are infringed or violated, he is liable to criminal responsibility according to the intent or lack of performance of the act. The physician's obligation to perform his work is not an obligation to achieve a result, Requires To make sincere patient efforts to the patient consistent with the established assets in the world of medicine."⁽⁵⁸⁾.

It is decided that the fault corner is the distinguishing element of the unintentional crimes and that the integrity of the judiciary must be convicted in the wrong offense as defined in Article 244 of the Penal Code. The sentence shall be stated as the fault of the accused and the causality between the error and the injury so that it is inconceivable this error ⁽⁵⁹⁾.

Jurists know the medical error: that any violation or departure from the doctor in his behavior on the rules and medical assets required by the science or recognized in theory and scientifically at the time of implementation of medical work or the breach of duties of caution and caution and vigilance imposed by the law and duties of the doctor on the results While he was in his capacity and duty to be vigilant and careful in his behavior so as not to harm the patient ⁽⁶⁰⁾.

A physician who deviates from these obligations or from the limits of medical principles and rules loses the protection given to him by legislation. A doctor's error is a deviation from the ordinary person's perception of this deviation; it is indisputable that the error is the normal physical activity of the average person. If this error is not a deviation from the normal behavior or activity of the average person, then the error is absent and therefore does not entail responsibility. If the error is a deviation from the normal behavior of the average person.

The obligation of the doctor to take the necessary care and the special obligations he must have in addition to the medical obligations imposed by the principles and rules of the medical profession exempt him from criminal liability ⁽⁶¹⁾. While the breach of these obligations towards the patient becomes responsible for it and the consequences of this breach;

(58) Decree No. 598 - 616 of 2018 Penal Code, session 22/1/2019.

(59) Appeal No. 13121 for the year 60 session 29/12/1993.

(60) Dr. Osama Abdullah kayed – op.cit.p. 224.

(61)Dr. Mansour Omar Al-Maayta - op.cit - p.34.

the responsibility of the doctor for his mistakes is only a picture of responsibility in general, the responsibility of the doctor is divided into criminal responsibility, civil and disciplinary.

Therefore, the doctor must do his work vigilance and foresight so as not to harm others, if deviated from this behavior due to the ability to distinguish and recognize, this deviation was a mistake that requires criminal liability after the error was proved.

THE SECOND TOPIC: CRIMINAL LIABILITY FOR MODERN MEDICAL WORK

Artificial Insemination

IUI is one of the medical procedures performed within the body to treat infertility in women. It is the fertilization of a woman by injecting her uterus into the semen of her husband or any foreign person. This process is performed without intercourse between men and women.

Most of the Jurisprudence has resorted to the legality of the aforementioned means. If the artificial insemination is between the spouses, since the child born from this method is a legitimate child, just like any child born as a result of an ordinary sexual relationship between the spouses, and thus has legitimate rights of obligations⁽⁶²⁾.

Error in IVF

The doctor is committed to this procedure since the beginning of the necessary examination and diagnosis of the situation accuracy and the use of precautionary measures, negligence or error in these procedures, which does not occur where the average doctor, who has the average of knowledge and intelligence leads to the criminal accountability of the doctor if proven error.

When the doctor transfers the sperm of the husband to the womb of his wife, he must take careful care in conducting this process, his efforts must be consistent with the rules and medical assets common among physicians with competence, but does not mean that the doctor applies these medical assets as applied But also enjoys a degree of freedom and independence in the appreciation dictated by the profession of medicine and dictated by his conscience⁽⁶³⁾.

And therefore ask the doctor about the failure of the process if not follow all means of caution and non-compliance with medical rules and assets, and vice versa does not ask if the failure of the process of artificial insemination, despite the follow-up medical assets and follow all means of caution and caution⁽⁶⁴⁾.

The Responsibility of the Anesthesiologist

There is no doubt that the work of anesthesia is a medical work complementary to medical intervention in the operations, it aims to loss of awareness during the process to reduce the pain that will feel the patient, in addition, to supporting vital organs such as the heart and lungs, and methods of using general anesthesia is by injection or Oral.

(62)See the recommendations of the scientific symposium on modern medical methods and criminal law organized by the Studies and Research Center for Anti - Crime and the Treatment of Offenders, Faculty of Law. Cairo University from 23 to 24 November 1993.

(63)Dr. Mohamed Abdel Wahab El Kholy - Criminal liability of physicians for the use of modern methods in medicine and surgery - Comparative Study - First Edition 1997, p. 78.

64)Dr. EhabYoussr Anwar - Op.cit.P. 300.

There are two other types of anesthesia, one of which is local anesthesia: which works to remove the feeling and feeling of pain without loss of consciousness, which is usually used in processes that do not require the person to lose consciousness, because the body is not fully affected, and has an impact on the member Directly exposed to narcotics, such as dental operations, either the removal of teeth or the removal of the sensory nerve of any of the instincts that do not require anesthesia for the whole body and only the place of the operation.

The third and final type of anesthesia is anesthesia: which is injected by the spinal cord, which causes the error to paralysis, so the anesthesiologist must follow the scientific assets or medical methods recognized by the ratios required for each case, which keep the condition of the physiological condition unchanged Change and ensure the appropriate conditions, and these conditions of the most important topics that must be taken into account before starting the process of anesthesia, which prepare the patient because the psychological binge or drug requires the doctor to work with caution to ensure the patient's tolerance or not.

The work of the doctor or an anesthesiologist is a double action, which is anesthesia and resuscitation, so it has another duty to do after the anesthesia process, but the process of recovery of the patient after the completion of the operation is still under the influence of the drug, that the doctor to make the patient in the case of breathing until the end The effect of anesthesia or the completion of the process, which is by means of devices to help artificial respiration and because the drug works on the relaxation of muscles, including the lungs, which was revitalized by hand, but with the development of special devices for the process easier And more accurately.

The error related to anesthesia is estimated according to the objective criterion. The external circumstances are taken into consideration when assessing the error. The medical specialization is one of the external conditions that the doctor is required to pay more attention because the specialist is more qualified than the general physician. This is what the Court of Cassation decided in some of its rulings. The damage is material, or moral, but must be investigated⁽⁶⁵⁾.

We find that there are errors in which the anesthesiologist is due to negligence or carelessness and non-observance of the scientifically recognized scientific principles for anesthesia, whether required proportions of the drug, or not follow the patient and medical devices that measure the activities of the heart and lungs and other devices associated with the work of anesthesia during the process, Monitoring the patient after the operation, and even the recovery or recovery of the patient, and then prepare an anesthetist is criminally responsible for these errors if proven this error.

CONCLUSIONS

The responsibility to bear the human result of his work, and to be criminally responsible for any crime, must be eligible to take responsibility and be aware of the choice in what he does, and above that must be wrong. The responsibility of a criminal doctor arises if the doctor's act constitutes the crime of murder or injury, whether deliberately so that the person's will to commit the criminal act and the criminal result of it, or a mistake with images of negligence and carelessness and violation of laws and regulations.

With the scientific development in the medical field, has expanded its scope and included the medical work in several stages, including the situation requires the doctor to resort to some procedures and laboratory tests to determine the patient's specific case, so that the diagnosis is intact, In which the doctor to conduct more in-depth examinations to indicate

(65)CHENTOUF,Rihana hadjiraBOUDALI, Mohamed, Responsibility for the act of vilification, 26-Jun-2013. <http://rdoc.univ-sba.dz/handle/123456789/582>

the state of health, and the degree of seriousness of the disease, and then specifically identified; Diagnosis is not only science-based, it is also based on experience and intelligence, and therefore doctors differ in their abilities and skills. Some may err in diagnosis, and the error may be simple and may be serious.

The practice of medical and surgical work requires exposure to the safety of the human body. These actions are consistent with the legal model of crimes against physical integrity. However, they are outside the scope of criminal protection established by law on the human body, if they do not meet the objective conditions for obtaining permission.

Medical or surgical work shall not be lawful unless it is intended to treat or relieve the pain of the patient. The doctor or surgeon shall be responsible if he directs his art to this end, even if this is with the consent or urgency of the patient, even if he did not commit an error. The functions of his profession and his character and the availability of elements of responsibility in accordance with the general principles, It is not permissible to subject the patient to a particular treatment without his consent, whatever its outcome, except in cases of necessity, which are exceptional cases such as coma and serious accidents, in which medical interventions must be expedited, where it is impossible to take the consent or consent of the patient, But it may suffice with a state of necessity that requires rapid medical intervention.

Therefore, the doctor or surgeon in the exercise of his profession must be medical or surgical work in accordance with the rules and medical assets recognized theoretically and scientifically between doctors, which should be taught by every doctor at the time of practicing his profession, these rules and assets of binding nature such as legal texts; And scientific assets in the medical field is a serious technical error is asked as a profession according to the image of the error committed.

Mistakes as a basis for the responsibility of the doctor raises many problems, some of them related to the definition of medical error, and the criteria that can resolve this error, including what is related to the scope of this error is responsible for the responsibility of the doctor, and other related to the extent of accountability of the doctor for this error. The definition of medical error is very difficult, especially in the distinction between physical error and professional error, with no legal provisions for the idea of the serious error to hold the doctor accountable for the professional error.

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3. *Dr. Mahmoud Naguib Hosni - Explanation of the General Penal Code - House of the Arab Renaissance 1999 p.172.*
4. *Dr. Mansoor Omar Al Maaita - Civil and Criminal Liability in Medical Errors - Naif Arab University for Security Sciences - First Edition - Riyadh 1425 H. 2004.p.15.*
5. *Dr. Osama Abdullah Kayed - Criminal liability of doctors - Dar al-Nahda Arab 1990 p.51.*

6. *French text: 1. Toute personne qui prend part habituellement ou par direction suivie, même en présence d'un médecin, à l'établissement d'un diagnostic ou au traitement de maladies, congénitales ou acquises, réelles ou supposées, par actes personnels, consultations verbales ou écrites ou par tous autres procédés quels qu'ils soient, ou pratique l'un des actes professionnels prévus dans une nomenclature fixée par arrêté du ministre chargé de la santé pris après avis de l'Académie nationale de médecine, sans être titulaire d'un diplôme, certificat ou autre titre mentionné à l'article L. 4131-1 et exigé pour l'exercice de la profession de médecin, ou sans être bénéficiaire des dispositions spéciales mentionnées aux articles L. 4111-2 à L. 4111-4, L. 4111-7, L. 4112-6, L. 4131-2 à L. 4131-5 ; Article L4161-1, Modifié par Ordonnance n°2017-48 du 19 janvier 2017 - art. 2.*
7. *Dr. Osama Abdullah Kayed – op.cit. p. 51.*
8. *As amended by Law No. (491) of 1955, Law No. (319) for the year 1966, and Law No. (29) And (46) for the year 1965. Quoting: Sherif Tabakh, Medical Crimes and Reparation, University Thought House, 2005, p. 281.*
9. *Decision of the Egyptian Minister of Health No. (238) for the year 2003; dated 5/9/2003.*
10. *Dr. Osama Abdullah Kayed – op.cit.p. 65.*
11. *Dr. Mohamed Sami Al-Shawa - Medical error before criminal justice - comparative study - in the Egyptian and French courts - Dar al-Nahda al-Arabiya 1993 p.7.*
12. *Dr. Osama Abdullah Kayed – op.cit. p. 62.*
13. *Dr. Mohamed Sami Al-Shawa -op.sit. p.11*
14. *Article (4) of the Kuwaiti Law No. 25 of 1981 on practicing the profession of human medicine, dentistry and allied professions, the licensed doctor has committed to practicing the profession of health in the performance of his work, and to use all his information and conscience and ethics required to achieve this goal.*
15. *Ahmed Abdel-Karim Moussa Al-Sarayra - Insurance from civil liability resulting from medical errors - First edition - Dar Wael Publishing and Distribution - Jordan - Amman - 2012 p.39.*
16. *Dr. Osama Abdullah Kayed op.sit. p.65*
17. *French text: Article L1110-5 Toute personne a, compte tenu de son état de santé et de l'urgence des interventions que celui-ci requiert, le droit de recevoir, sur l'ensemble du territoire, les traitements et les soins les plus appropriés et de bénéficier des thérapeutiques dont l'efficacité est reconnue et qui garantissent la meilleure sécurité sanitaire et le meilleur apaisement possible de la souffrance au regard des connaissances médicales avérées. Les actes de prévention, d'investigation ou de traitement et de soins ne doivent pas, en l'état des connaissances médicales, lui faire courir de risques disproportionnés par rapport au bénéfice escompté. Modifié par LOI n°2016-87 du 2 février 2016 - art. 1*
18. *Steps to extract the license to practice the profession: 1 - Request to extract the practice of the profession in the union. 2. Original graduation certificate or equivalent. 3 - Certificate of the year of excellence (original) or equivalent. 4. The attitude of conscription to male doctors. 5 - Copy of the national identity card or passport copy for non-Egyptians. 6-2 photos. 7. Receipt of payment of the union's contribution. 8. Birth certificate.*

19. *Dr. Fatima Yousufawi - The Criminal Responsibility of Physicians in Human Organ Transplantation and Transplantation, Comparative Study, PhD Thesis from Abu Bakr Belqayd University, Tlemcen, Algeria 2014-2015, p.29.*
20. *French text: Article L1110-5-3 Toute personne a le droit de recevoir des traitements et des soins visant à soulager sa souffrance. Celle-ci doit être, en toute circonstance, prévenue, prise en compte, évaluée et traitée. Le médecin met en place l'ensemble des traitements analgésiques et sédatifs pour répondre à la souffrance réfractaire du malade en phase avancée ou terminale, même s'ils peuvent avoir comme effet d'abrégé la vie. Il doit en informer le malade, sans préjudice du quatrième alinéa de l'article L. 1111-2, la personne de confiance prévue à l'article L. 1111-6, la famille ou, à défaut, un des proches du malade. La procédure suivie est inscrite dans le dossier médical. Toute personne est informée par les professionnels de santé de la possibilité d'être prise en charge à domicile, dès lors que son état le permet. Créé par LOI n°2016-87 du 2 février 2016 - art. 4*
21. *Of this legislation is the French law see article (L111-1) of the Public Health Act and amended by Law No. 86-2017 on 27 January 2017 Article 197. UAE Law No. (7) of 1975 in Article I.*
22. *Dr. Fatima Yousufawi - op.cit. p.20*
23. *Dr. Tariq Ahmed Maher Zaghoul - Legal Conditions for the Permission of Transplantation and Transplantation of Human Organisms, in light of Law No. 5 of 2010 and its Executive Regulations, A Comparative Analytical Study of the Arab Renaissance House - First Edition, 2015, p. 5.*
24. *Munir Riad Hanna - Criminal liability of doctors and pharmacists - University Publications House 1989 p. 181.*
25. *Appeal number 36048 for the year 85 BC session 6/9/2017.*
26. *Article (3) of the Egyptian Medical Practice Law, the exam of holders of foreign diplomas or diplomas shall be in accordance with the final exam syllabus of the bachelor degree in medicine from one of the Egyptian universities. The examination shall be conducted before a committee composed of doctors chosen by the Minister of Public Health before each exam, Egyptian Medical Colleges. Law No. 415 of 1954 regarding the practice of medicine.*
27. *French text: Article L4161-1 "Toute personne qui prend part habituellement ou par direction suivie, même en présence d'un médecin, à l'établissement d'un diagnostic ou au traitement de maladies, congénitales ou acquises, réelles ou supposées, par actes personnels, consultations verbales ou écrites ou par tous autres procédés quels qu'ils soient, ou pratique l'un des actes professionnels prévus dans une nomenclature fixée par arrêté du ministre chargé de la santé pris après avis de l'Académie nationale de médecine, sans être titulaire d'un diplôme, certificat ou autre titre mentionné à l'article L. 4131-1 et exigé pour l'exercice de la profession de médecin, ou sans être bénéficiaire des dispositions spéciales mentionnées aux articles L. 4111-2 à L. 4111-4, L. 4111-7, L. 4112-6, L. 4131-2 à L. 4131-5 ; Modifié par Ordonnance n°2017-48 du 19 janvier 2017 - art. 2 "*

28. *French text: Conditions générales d'exercice. Article L4111-1: Nul ne peut exercer la profession de médecin, de chirurgien-dentiste ou de sage-femme s'il n'est : Titulaire d'un diplôme, certificat ou autre titre mentionné aux articles L. 4131-1, L. 4141-3 ou L. 4151-5 ; De nationalité française, de citoyen et étranger ressortissant d'un Etat membre de l'Union européenne ou partie à l'accord sur l'Espace économique européen, du Maroc ou de la Tunisie, sous réserve de l'application, le cas échéant, soit des règles fixées au présent chapitre, soit de celles qui découlent d'engagements internationaux autres que ceux mentionnés au présent chapitre ; Inscrit à un tableau de l'ordre des médecins, à un tableau de l'ordre des chirurgiens-dentistes ou à un tableau de l'ordre des sages-femmes, sous réserve des dispositions des articles L. 4112-6 et L. 4112-7 .*
29. *Medical Act 1983, part 1 preliminary: 2. Registration of medical practitioners: (1) There shall continue to be kept by the registrar of the General Council (in this Act referred to as "the Registrar") a register of medical practitioners registered under this Act containing the names of those registered and the qualifications they are entitled to have registered under this Act. (consolidated version with amendments).*
30. *Dr. Abdul Fattah Bayoumi Hijazi - Medical responsibility between the jurisprudence and judicial - University Thought House 2007 p.54.*
31. *Dr. Alsayd Abdel Wahab Arafa - Criminal, Civil, Disciplinary and Pharmacological Responsibility - First Edition - National Center for Legal Publications - 2009 p.25*
32. *French text: Article L1121-1: Les recherches organisées et pratiquées sur l'être humain en vue du développement des connaissances biologiques ou médicales sont autorisées dans les conditions prévues au présent livre et sont désignées ci-après par les termes " recherche impliquant la personne humaine ". Il existe trois catégories de recherches impliquant la personne humaine : 1° Les recherches interventionnelles qui comportent une intervention sur la personne non justifiée par sa prise en charge habituelle ; 2° Les recherches interventionnelles qui ne comportent que des risques et des contraintes minimales, dont la liste est fixée par arrêté du ministre chargé de la santé, après avis du directeur général de l'Agence nationale de sécurité du médicament et des produits de santé ; 3° Les recherches non interventionnelles qui ne comportent aucun risque ni contrainte dans lesquelles tous les actes sont pratiqués et les produits utilisés de manière habituelle. Modifié par Ordonnance n°2016-800 du 16 juin 2016 - art. 1.*

33. *French text: Article L1121-2: Aucun recherche impliquant la personne humaine ne peut être effectuée :
sielle ne se fonde pas sur le dernier état des connaissances scientifiques et sur une expérimentation préclinique suffisante ;
si le risque prévisible encouru par les personnes qui se prêtent à la recherche est hors de proportion avec le bénéfice escompté pour ces personnes ou l'intérêt de cette recherche ;
sielle ne vise pas à étendre la connaissance scientifique de l'être humain et les moyens susceptibles d'améliorer sa condition ;
si la recherche impliquant la personne humaine n'a pas été conçue de telle façon que soient réduits au minimum la douleur, les désagréments, la peur et tout autre inconvénient prévisible lié à la maladie ou à la recherche, en tenant compte particulièrement du degré de maturité pour les mineurs et de la capacité de compréhension pour les majeurs hors d'état d'exprimer leur consentement. L'intérêt des personnes qui se prêtent à une recherche impliquant la personne humaine prime toujours les seuls intérêts de la science et de la société. La recherche impliquant la personne humaine ne peut débuter que si l'ensemble de ces conditions sont remplies. Leur respect doit être constamment maintenu. Modifié par LOI n°2012-300 du 5 mars 2012 - art. 1 (V)*
34. *Text in French: Article 16-3: Il ne peut être porté atteinte à l'intégrité du corps humain qu'en cas de nécessité médicale pour la personne ou à titre exceptionnel dans l'intérêt thérapeutique d'autrui. Le consentement de l'intéressé doit être recueilli préalablement hors le cas où son état rend nécessaire une intervention thérapeutique à laquelle il n'est pas à même de consentir. Modifié par Loi n°2004-800 du 6 août 2004 - art. 9 JORF 7 août 2004.*
35. *Dr. Mohamed Abdel-Wahab El-Kholy - Criminal liability of doctors for the use of modern methods in medicine and surgery - first edition 1997 - without publisher - p.21.*
36. *Dr. Tarek Ahmed Maher Zaghloul – op.cit. p.49.*
37. *Dr. Mamoun Mohamed Salama - Penal Code - General Section - Fourth Edition Dar al-Fikr al-Arabi 1984 p. 210. Most of the legislation addressed the need to respect the patient's will whenever possible, and the doctor cannot perform any treatment without the consent of the patient except in cases of necessity or loss of consciousness or lack of parents In case the patient is an event; such as French legislation and English legislation.*
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44. *Dr. Osama Abdullah Kayedop.sit. p.173.*
45. *Dr. Tarek Ahmed Maher Zaghloul – op.cit. p.6.*
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49. *Dr. Mansour Omar Al Maaitah – op..cit. p.30.*
50. *Appeal number 6944 for the year 66 session 25/3/2004. And the appeal No. 50587 for the year 72 session 16/4/2003. Another judge ruled that the responsibility of the doctor is not originally committed to achieve the goal of healing the patient, but is committed to make certain technical attention is required by the assets of the profession to which he belongs and his duty to do so Careful care of what is provided by a doctor attentive from the middle of his colleagues knowledge and knowledge in the circumstances surrounding him in the exercise of his work, taking into account the traditions of the profession and scientific assets fixed and stable in the science of medicine. Appeal no. 2941 for the year 69 session 1/6/2000.*
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52. *Dr. Fatihah Mohammed Qorari, The Responsibility of the Criminal Doctor in Light of the Provisions of the Legislation and the Judiciary in the United Arab Emirates - Comparative Study, Journal of Law, Third Issue, 28th Year Kuwait, September 2003, p. 195.*
53. *Appeal no. 31881 of the year 69 session of 20/12/2006. It was also stated in the judgment that "since it was supposed to permit the work of the doctor conditional on what is carried out in accordance with the prescribed technical assets, if excessive in the follow-up of these assets or otherwise violated the criminal and civil liability when the damage available - according to the intent of the act and its outcome Or lack of performance in the performance of his work, and was contested judgment has been taken from turning the patient to the hospital... General Hospital, and not to perform surgery at the hospital.... Central, which saves the error in his side without the memorization of the amount of precaution that the seat And the extent of the care it has missed, as well as the circumstances surrounding the procedure The process of surgical victim's hospital.*
54. *MunirRiad Hanna - Criminal liability of doctors and pharmacists - previous reference, p. 37.*

55. *Text in French: Article 121-3 Il n'y a point de crime ou de délit sans intention de le commettre. Toutefois, lorsque la loi le prévoit, il y a délit en cas de mise en danger délibérée de la personne d'autrui. Il y a également délit, lorsque la loi le prévoit, en cas de faute d'imprudence, de négligence ou de manquement à une obligation de prudence ou de sécurité prévue par la loi ou le règlement, s'il est établi que l'auteur des faits n'a pas accompli les diligences normales compte tenu, le cas échéant, de la nature de ses missions ou de ses fonctions, de ses compétences ainsi que du pouvoir et des moyens dont il disposait. Dans le cas prévu par l'alinéa qui précède, les personnes physiques qui n'ont pas causé directement le dommage, mais qui ont créé ou contribué à créer la situation qui a permis la réalisation du dommage ou qui n'ont pas pris les mesures permettant de l'éviter, sont responsables pénalement s'il est établi qu'elles ont, soit violé de façon manifestement délibérée une obligation particulière de prudence ou de sécurité prévue par la loi ou le règlement, soit commis une faute caractérisée et qui exposait autrui à un risque d'une particulière gravité qu'elles ne pouvaient ignorer. Il n'y a point de contravention en cas de force majeure.*
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62. *See the recommendations of the scientific symposium on modern medical methods and criminal law organized by the Studies and Research Center for Anti - Crime and the Treatment of Offenders, Faculty of Law. Cairo University from 23 to 24 November 1993.*
63. *Dr. Mohamed Abdel Wahab El Kholy - الطب - استخدام الأساليب المستحدثة في الطب - المسؤولية الجنائية للأطباء عن استخدام الأساليب المستحدثة في الطب - دراسة مقارنة- الطبعة - Criminal liability of physicians for the use of modern methods in medicine and surgery - دراسة مقارنة- الطبعة - Comparative Study - First Edition 1997, p. 78.*
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