



جامعة الإمارات العربية المتحدة
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Master Thesis Defense

Entitled

MEDICAL ERROR STUDY IN THE UAE MEDICAL LIABILITY ACT 2016

by

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Abstract

The purpose of this study is to identify the medical error in the light of the provisions of the civil laws and the basic principles established by the jurisprudence and the law in order to assess the medical error and the extent of entitlement to compensation and the amount of this compensation in the light of the discretionary power of the judge. The most important conclusion of the study is that the medical responsibility in the UAE legislation is a liability, not a contractual one, although there is a contractual relationship between the patient and the health establishment. And that the physician's obligation is to care, not to achieve an end. The judiciary in the UAE takes the objective criterion for measuring the error of the doctor. The middle doctor is the standard of measurement of medical error with the requirement that it be surrounded by conditions similar to the conditions of the physician in charge. Medical liability insurance is a binding condition for the practice of medicine. A doctor can only start practicing his profession after signing a civil liability insurance contract with a licensed insurance company. The study reached a number of recommendations, most important of which is the necessity of assigning a medical liability authority, which is used before making claims to indicate the amount of damage and causality, to reduce the burden on the courts, and have the authority to assess the damage and causality and the value of compensation.

Keywords: UAE Medical Liability Law under Federal Law No. 4 of 2016, UAE Civil Transactions Law (Federal) No. (5) of 1985 Amended by Federal Law No. (1) of 1987.