Criminal liability of the obstetrician

(A comparative study)

A Thesis submitted in Partial Fulfillment of the Requirements for the Ph.
D. Degree in Public Law

Submitted by
Khaled Mahmood Naser Hasan
University Number: 20017377

Supervised by
Prof. Dr. Mahmoud Saleh Mohammed Eladly
Professor of Criminal Law
University of Bahrain

Kingdom of Bahrain
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Abstract

- This study aimed to handle the unintentional medical errors of Obstetricians through stirring criminal responsibility in confronting them in case they breached their profession.

- The study has preface with a chapter indicate the introduction of Obstetrics concept through defined it and determined its medical persons, as well as mentioning the criminal protection place that the study targeted it and shows its legislative term.

- The first part of the study divided into two chapters, the first one of it took care of the legal basis for the legitimacy of Obstetrics and the obligations types in it, through showing the multiple bases Which jurisprudence went forth as basis to permitting this medicine and their impact on criminal responsibility Whereby the case of breach, In addition to the impact of commitment type that Placed on the doctor as a criterion in this responsibility.

- The second chapter dealt with the elements of the materialist component of the obstetrician unintentional crime of error, result and association of causal; consider it the elements that the materialist component based upon them.

- The second part of this study has been assigned to talk about the matter of proving criminal responsibility of obstetrician, and it has been divided into two chapters, the first chapter was limited to prove this responsibility by showing it is evidence and the role of the competent authorities to appear it. The second and last chapter has focused on the power of the court in the case of medical criminal responsibility through its authority in evaluate the evidence and elements of such responsibility consider it the competent authority to determinate it.