

## Compensation from Civil Liability Arising From Drugs and Vaccine Damages

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### ***Abstract:***

*This research addresses the issue of compensation from civil liability arising from the damages caused by medicine and vaccines by indicating the types of compensation within the framework of civil liability for damages caused by drugs and vaccines and their applicability to compensation arising from the harm caused by the medicine or vaccine to the patient. This research also included the effect that changing the damage over time has on the amount of compensation. We presented in this paper the aggravation of the damage and the increase in its volume to the injured after a period of time, then talked about the effect that the decrease or elimination of this damage would have on the compensation estimated by the court. We presented the controls for the adoption of these types of compensation by the court when filing a claim for the harm caused by drugs and vaccines, and the position of Jordanian legislation thereon, through the adoption of many texts and several resolutions dealing with the decrease in the amount of compensation, and the decrease in the amount of the issue, which the compensation, However, the Jordanian authorities did not directly mention the issue of the decrease in damage and its impact on compensation. We tried to explain the general controls that should be covered by this decrease, especially the court decisions related to it. The research ended with a conclusion containing the main findings and recommendations.*

### ***Keywords:***

*compensation; civil liability; drugs; vaccine; damages*

## **I. Introduction**

Compensation is a penalty of civil liability, which is both present and non-present with the injury. Liability is based only on the existence of the damage. Accordingly, the damage is the basis of compensation. The right to claim compensation arises from the time when the injury becomes realized (Oden, 2004). The proof of the injury falls on the plaintiff according to the rules of evidence. Thus, when the injury occurs and the rest of the elements are responsible. When the damage is caused by the injurious act, the elements of liability are incomplete and are not available for the award of compensation, i.e., the right to compensation is the injury to the injured patient (Saad, 2007).

Marqas (1993) considers that the gravity of the official's act should be taken into account in assessing compensation since the gravity of the wrongful act according to their doctrine cannot be overlooked. They also rely on the statement that, while the rule is that the gravity of the wrongful act does not have a bearing on the assessment of compensation, the judge in practice tends to increase the amount of compensation in the gravity of the official's act and to reduce it if the act is simple, especially if the damage cannot be accurately determined (Zaki, 1976). Thus, this trend considers the compensation for the act committed

by the official that led to the injury, so that the official is asked when the act is fully attributable and the responsibility for it is reduced whenever he is involved in the act, i.e. the amount of compensation.

This is why we must talk about the types of compensation in the event of aggravation of the damage by dividing this research into three investigations. The first will be about the types of compensation within the framework of civil liability for damages caused by drugs and vaccines. The second will be under the heading of compensation in the case of aggravation of the damage. The third will be about insurance for the effects of civil liability for damages resulting from the medicine and the vaccine.

## II. Review of Literature

**The first Topic:** Types of compensation in the context of civil liability for damages to medicines and vaccines

Compensation for damage varies from case to case depending on the damage suffered by the injured. Article 269 of the Civil Code provides that: "1. the security may be installable, as it may be a salary income. In these cases, the debtor may be required to provide security valued by the court.

2. The security by cash shall be assessed that the court may, depending on the circumstances and at the request of the injured person, order the reinstatement of the case or, as an implication, order the performance of a particular order relating to the wrongful act."

In this regard, we find that the legislator made monetary compensation the original, and then brought compensation in kind, which is the return of the injured person to the state he was in, but this compensation may not be possible in some cases bodily harm. Article 195 of the explanatory memorandum to the Civil Code states: " The original part of the compensation is to be a sum of money, and yet its form may differ, and it may be a sum of money or income arranged for a certain period or for a period of life..." , so this consideration will be divided into two demands, the first one will be titled Restitution in kind, and the second one will be discussed about monetary compensation.

### **The first requirement: restitution**

Restitution in kind is defined as the restoration of the situation to that which existed before the injury occurred (Al-Amiri, 1981), where sometimes, and especially in the case of material damage, the court may, at the request of the injured person, adjudicate the situation to that which was the case (Jordanian Civil Law, 1992). The method of compensation here is thus to remove the damage and restore the situation to what it was before the injury, but the application of this type of compensation cannot be easy in the case of the injury to the body.

There are various cases of injury to a person's body, and in some cases, it may not be possible to apply restitution in kind. However, there are cases that allow for restitution in kinds, such as damage to the patient's eye as a result of the administration of certain medicine and a court ruling that his cornea is transplanted to him. Or the injured person may be disfigured as a result of taking medicine or a vaccine and be compensated through plastic surgery to restore him to the condition he had before the deformation (Al-Sarhan & Khater, 2002).

There are injuries, as mentioned above, which are difficult in practice to recover, such as the victim's death, making it impossible to bring him back to life. Even if an operation is performed or a prosthetic device is installed, it is impossible to return to the condition it was in before the damage occurred. In some cases, compensation in kind may be combined with monetary compensation, such as cosmetic surgery performed at the victim's request at the expense of the person responsible for the harmful act.

### **Second requirement: monetary compensation**

Monetary compensation is the most widespread type of compensation, because it may be applied in practice in all claims for damages. The original compensation may be a sum of money, whether it is compensation through the payment of a lump sum or it is paid through installments.

Jordanian Civil Code states that "the guarantee shall be valued in cash". Accordingly, compensation is provided by the trial judge's payment of a sum of money to the victim to the official responsible for the injury. This is confirmed by the decisions of the Jordanian Court of Cassation, which states in one of its decisions that "the action for the removal of damage and compensation for damage may be valued in cash in accordance with the provisions of article 49/1 of the Code of Civil Procedure. This is what the case law applies (Jordanian Court of Cassation Decision, 2004)" so that all even moral damages can be valued in money through the judge's judgment.

Monetary compensation is considered through the payment of a certain amount to be determined by the judge, but the judge may, through the circumstances of the case, award monetary compensation in installments or a lifetime salary, whereby either the payment is made on fixed-term and value installments and the amount of the compensation ends with the payment of the last installment of the amount of compensation, or the compensation is made through the provision of a lifetime salary through premiums that are determined in value and not in number, and the payment remains valid as long as the victim is alive.

If the judge determines that the method of payment is suitable for compensation, such as if the injured person suffers from a disability for a specified period of time, he may be awarded the installment compensation until he recovers from his injury. He may also rule on the salary income if the disability is permanent so that the injured person will receive the income as long as he is alive as a result of this disability (Al-Sanhoury, 2002).

Accordingly, monetary compensation may be a one-time payment, an installment, or a lifetime salary.

### **First section: One-time compensation**

According to the Jordanian Civil Code, compensation as a public asset is paid to the injured person at once. We can discover this through article 269 of the Jordanian Civil Code, which states that "the security may be assessed in the same way as it may be in the form of a salary." In violation of this provision, it can be said that the general principle of compensation is that the judge shall award the victim compensation in one-time cash and one-time payment. The Jordanian courts have applied this method to the official. However, when the amount awarded to the injured person is collected, and based on what is stated in the Jordanian Implementation Law, the official (defendant) pays (15%) of the value of the amount sentenced as monetary compensation and pays the rest of the amount (Jordanian Execution Bill) One-time

compensation for the injury sustained by the official's action and for the impact of the accident (Al-Amiri, 1981).

### **Second Section: Compensation**

This type of compensation is one of the options that the judge may rule on if he considers it to be appropriate compensation for the injured, in the form of premiums that are determined by their value and number. This compensation shall be completed by paying the last installment of the compensation. As we mentioned earlier, this compensation may be through the fact that the injured person has a temporary partial disability and shall be sentenced to the installment of compensation until he recovers from his injury. A decision of the Court of Cassation stated that "the Court of Appeal, with its broad discretion, if it finds no justification for the enforcement of article 269 of the Civil Code, this order is permissible and has been used as the court of discretion in this regard" (Jordanian Court of Cassation Decision, 2003).

According to a decision of the Jordanian Court of Cassation, "the material damage for which compensation is sought is the amount of damage and loss suffered by the plaintiffs as a natural consequence of the death of their heirs. Such compensation is estimated in the form of a monetary sum, whether in a single installment, in installments, or in the form of income arranged in accordance with the provisions of article 269 of the Civil Code. However, this condition is that such compensation is determined and then distributed to the beneficiaries."

The above-mentioned article (269) specifies that the judge may require the debtor to provide insurance in order to ensure that the office continues to pay the premiums due to him by providing security or mortgaging as the judge deems appropriate as security for the performance. The judge may also find that the person liable for the damage is able to pay the premiums without the need to provide insurance and does not charge him with any insurance (Al-Zoubi, 1995).

### **Third Section: Compensation in the form of lifetime income**

The judge considers that the nature of the compensation payable to the injured person is the reference in the ruling. The judge may consider that the nature of the compensation for a certain type of damage is to be income over the life of the injured person, such as in cases of permanent partial or total disability.

The salary is considered as previously mentioned as compensation payable in installments whose duration and value are determined without specifying the number of premiums so that the office remains liable for such premiums throughout the life of the injured person and they are extinguished only by the death of the injured person (Al-Sanhoury, 2002). In the explanatory note to the Jordanian Civil Law on this matter, it is stated that "the principal in the compensation shall be an amount of money. However, it may be different in form. It shall be a lump sum or income arranged for a certain period or for a period of life that is granted to the worker by an accident of work Explanatory Note to the Jordanian Civil Law, 1992 ."

The debate over whether the provision of salary income can be appropriate in view of the rise in living standards and prices (Lasasmah, 2010) has been raised. The idea of linking income to the standard of living has been countered by several arguments, the most important of which is: that compensation must be assessed on the day of the judgment without taking into account future economic circumstances, and was replied to as untrue because the judiciary had to estimate compensation according to the value of the damage on the day it occurred so that compensation would be equal to the damage and since the principle of full compensation must

cover the amount of compensation for the damage on the day the injured person is entitled to receive the sum (Rushdi, 1989).

The second argument is against linking income to higher costs of living, based on the failure to compensate for indirect damage, since in their view there is no causal link between the act of the official and the injury caused to the injured by the high cost of living, and therefore the official does not bear the responsibility for economic fluctuations beyond his control. To avoid this, part of the jurisprudence and within the judge's discretion to rule with the appropriate compensation method suggested that the judge should choose the compensation method he deems appropriate and that it should be assessed in the form of income and increased income so that it would rise automatically with subsequent changes in the value of the damage (Al-Amiri, 1981).

In the case of the assessed income, it applies to the lifetime income, so the judge may request insurance from the official, as stipulated in article 269 of the Jordanian Civil Code, in order to guarantee the injured person to pay the income for the life of the injured person.

### **The second topic: Impact of the change in the value of the security**

Compensation is measured by direct injury to the extent of the loss suffered and the loss suffered, and there is no difficulty in doing so provided that the damage remains constant as it has been since it occurred, but sometimes the damage suffered by the injury is variable from time to time and does not remain constant as it was at the time of the occurrence, so that the change occurs after the judgment of the court. This change may be lax with time so as to be variable during the proceedings, before and after the judgment is rendered. These changes are either for the damage itself or for the value of the damage, but the change in the damage itself is in terms of the magnitude and elements of the damage so that the damage is aggravated or decreased. The change in value is monetary, i.e. the corresponding monetary damage is higher and lower than the value of the monetary damages, so as to be reduced the effect of the change in monetary effect on the economy.

Accordingly, this research will be divided into two claims, the first entitled "Change of compensation in the event of aggravation of damage" and the second one will be discussed the change of compensation in the event of a decrease in damage (Al-Sanhoury, 2002).

### **The first requirement: change in compensation effect**

The physical injury of the injured person may change from time to time because of the fault of the person responsible for the injury, or for other reasons so that the injury caused by the injury increases the physical injury of the injured by increasing his disability or death or by causing other physical injuries (Shawqi, 2000). As has already been stated, the general rule is to estimate compensation according to the damage when it occurs, the resulting increase in the physical injury of the injured must be taken into account. Thus, the injured person may claim an increase in compensation during the hearing of the case, in excess of what was planned during the hearing of the case, without the need to file a new suit (Al-Haytham, 2002). The judge may award compensation for the case, and may, in the case, for the future case, for the damage, and may be treated as "a judgment of the cost of such damages, such as the Court of compensation", which confirms the cost of the treatment of the injury, such as the injury, and is considered to be considered as the cost of the injury. This amount, which was assessed by the experts, is not necessary to prove that the injured person performed the operation and to pay this amount so that he deserves compensation, but it is sufficient to prove that he needs this future operation" (Jordanian Court of Cassation Decision, 2014).

However, the problem lies here when the damages are aggravated after the verdict in the case is issued. The judge may issue a verdict of compensation for the injured person with a specific amount of money. The verdict acquires the severity of the injury. At that time, the injury caused by the injured person led to a disability in his body, but after a period that led to his death. It is stated in the doctrine that a distinction must be made between variable damages and damages whose extent is difficult to determine at the time of the judgment. In this case, the judge may preserve the rights of the injured person by demanding, within a certain period of time from the judgment, a reassessment of the compensation due to the aggravation of the injury.

Article 268 of the Jordanian Civil Code provides that: "If the court is unable to determine the extent of the guarantee for a final appointment, it may reserve the right of the injured person to demand, within a certain period, a review of the assessment." If the judge finds that the damage is unstable and can be aggravated, he may temporarily assess the compensation and then reconsider the assessment of the compensation in the light of the injury, so that in the future the injured person has the right to claim a reassessment of the compensation as a result of the aggravation of the injury. A decision of the Court of Cassation reads as follows: "... The criminal judge cannot decide that the condition of the injured person has stabilized because the determination of such an incident would not have any effect. If he does so, the civil judge does not restrict in this regard if the case is aggravated by the gravity of the injury and the decision of the severity of the sentence is greater than the severity of the Court decision judgment.

Often, the difficulty is that the aggravation of the damage is not fixed or time-bound, so the aggravated damage requires a distinction between more than one case (Al-Naqeeb, 1983), which is as follows:

- First: This situation is aggravated by the award of compensation, which is estimated to have worsened, so that the injured may claim compensation for the aggravated injury as established.
- Second: This is the case where the original injury is aggravated after the award of compensation and is estimated to be aggravated, the exacerbation being due to the original injury after a period of time the injured may claim compensation for the new damage after the aggravation.
- Third: When the injury increases after the award of compensation and requires additional expenses so that the original injury has not been aggravated and nothing is inflicted, then the injured person does not have the right to claim the compensation he spent after the award of compensation.

This leads us to talk about the extent to which the injured person has the right to claim compensation when the damage is aggravated after the judgment has been rendered and acquired a definitive degree. Article (268) of the Jordanian Civil Code states that "If the court cannot determine the extent of the security for a final appointment, it may reserve the right to claim a review of the judgment to the injured person within a certain period of time". Therefore, a distinction must be made between whether the judgment includes a right for the injured person to claim restitution as a result of the aggravation and whether the judgment does not contain such.

## **Section I: The court ruling guarantees the right of the injured person to request reinstatement**

Article 268 of the Jordanian Civil Code allows for a reassessment of the security in the event of an aggravation of damages after the judgment. The explanatory memorandum of the Civil Code states: "The judge may not at times be able to determine the extent of compensation sufficiently, for example in a non-spraying wound whose penalty is not determined until after a period of time has elapsed. In such a case, the judge may make a provisional estimate of compensation, but he may review the judgment within a reasonable period of time to determine it." The judge may not determine the amount of the damage because of the possibility of its alteration. The judge may then award compensation in a manner commensurate with the damage caused and reserve the right to claim compensation for the damage aggravated after the period of time.

Al-Sanhoury (2002) stated that "if the damage can be immediately assessed by the judge and fully judged, but if it cannot be estimated, it may be because the damage depends on a still unknown matter as if the worker is injured in the leg, the estimation of the damage ceases and the estimation of the damage depends on whether the leg is amputated or not. The judge may estimate the compensation on both counts and rule as much as the worker has estimated and the worker receives the compensation he deserves in accordance with either hypothesis to be realized in the future." Thus, the judge is working on the assessment of provisional compensation based on the provisions of article 268 of the Civil Code, provided that the injured person is entitled to request an estimate of compensation within a period of time to be determined by the judge to cover the aggravated injury.

If the injured person does not request a reassessment by the court during the period granted to him, this means that he has lost his right to reassessment or that the damage is no longer aggravated and is satisfied with what was awarded to him for the original injury. In claiming reassessment as a result of the aggravated damage, the injured person cannot invoke the force of the case for the absence of the requirement of the place, which is the subject of the proceedings (Al-Zoubi, 1995).

## **Section II: The court ruling does not guarantee the right of the injured person to request a reassessment**

This is the case when the judge issues his ruling on compensation, but his ruling did not include anything other than the right of the injured person to demand a reassessment of compensation in view of the aggravated damage. His ruling is based on the damage actually caused by what the judge considers that the damages cannot be aggravated and covers all the damages caused with the future damages in his ruling.

First Case: The judge shall make reparation for the aggravated injury, without referring to the aggravated injury when he ascertains that it did not occur. Here, the doctrine entitles the injured person to claim compensation for the aggravated injury, provided that the aggravated injury was caused by the act of the official.

In the decisions of the Jordanian Court of Cassation, it is stated that "the criminal judge cannot decide that the condition of the injured person has stabilized because the determination of such an incident is not of nature. If he does so, the civil judge does not restrict this aspect if the condition of the injured person is aggravated and worsened, even if the degree of severity is acquired, on the one hand. On the other hand, the experience of the forensic doctor at the Irbid Forensic Medical Center at the session of 11/3/2003 with respect to the victim is based on the

initial medical report and without his examination. If his case develops new complications proving technical expertise, this experience does not prevent the adoption of new expertise describing the condition of the injured person after it has been stabilized," The claim for aggravated damage is the same as the litigants and the same cause. However, the forum, in this case, contains new elements of aggravation of the damage that were not elements of the compensation in the previous case. It can therefore be said that the judiciary took compensation for the aggravated damage after the issuance of the judgment and acquires a definitive degree (Al-Qudah, 2020).

Second case: If the judge determines that compensation for the actual and the expected damages is to cover all the present and future damage, in which case the judgment is valid and the injured may not claim compensation for the aggravated damage, because the judgment is made by assessing compensation for the damage caused and for the damage to be caused in the future (Al-Amiri, 1981).

In the event that the injury leads to the death of the injured person in the future, his heirs are entitled to claim compensation for the damage caused to them as a result of the death of their heirs. The person responsible for the damage is not entitled to invoke the authority of the order, because the heirs do not claim the damage caused to the injured person, but rather claim the damage caused to them by the death of the injured heirs (Abdel-Aal, 2005). In application of this, the Court of Cassation ruled that "compensation must include all the elements of the damage pursuant to article 266 of the Civil Code. If the judge issues the judgment of the compensation, he is bound to state the constituent elements of the damage to this compensation. Accordingly, the other elements of the damage which were created after the final judgment and which the judgment was rendered could not constitute a new compensation, and could not be required to be further damages Since it was the action of the office that led to this increase in damage"

Thus, the courts have found that what creates and exacerbates the damage constitutes new harm, and the injured have the right to claim supplementary compensation for it without invoking the force of the case even if the court's decision did not contain the right of the injured to claim

### **Second requirement: Change in compensation as damage decreases**

The impact of the aggravation of the damage on compensation has already been mentioned, but the injury suffered by the injured may improve or be definitively eliminated. The injured person may recover during the examination of the case between his injury and the judgment in the proceedings against the official. The judge must take into account this change in the injury in order to make a judgment based on the latest development of the damage, whether the aggravation or the decrease. Even if this change in the damage is caused by a foreign cause, the defendant (responsible for the damage) benefits from that change, since the expression of the assessment of the damage is what became the case at the time of the judgment (Abu Al-Lail, 1995).

The reduction of damage after the award of compensation is considered possible in the light of the development of medicine and treatment. The injury may be caused by a medication or vaccine that has been administered with a high rate of disability, and then as a result of the treatment, the percentage of disability decreases or is healed. When this situation is considered factual and logical, the official may look forward to requesting a review of the compensation

awarded in order to consider the improvement in the injury suffered by the patient and to reassess the compensation accordingly (Al-Amiri, 1981).

A lack of damage may be considered to give effect to the value of compensation for damage only in theory, since it increases the liability of the official, whereas, in the case of a decrease in damage, a claim for a reduction is made on the principle that compensation is estimated on the basis of the amount of damage equal to an increase and a decrease, but in legal terms, how valid is the claim of the office for a reassessment of compensation when the damage is reduced? And will the causal link stop with the disappearance of the damage or not?

The review of the assessment of compensation based on the decrease in damage is not valid because it contradicts the principle of the authority of the judicial, which the judiciary has followed. This prevents the judiciary from reviewing a case that has been seen, if the parties, the place, and the reason do not differ. This prevents the official from claiming a reassessment of the damage since its impact on the injured has decreased (El-Desouki, 1972).

The doctrine states that the torturer is not entitled to request the court to review the amount of the compensation awarded to him, because his request is contrary to the authority of the order, which prevents the official from claiming the compensation paid as a result of the recovery of the patient or to demand part of it to the extent that the injured person recovers from his injury, or to rely on the idea of enrichment without reason, since it does not apply to such a case, because the reason for which the compensation was awarded is the damage done by him, which makes his request contrary to the principle of the authority of the order, and the institution of the enrichment proceedings without cause here by the official is not valid, because the claim for compensation was made on a legitimate reason, namely, the occurrence of the damage, which, in the event of a decrease, does not apply to this injury (Qudah, 202).

With regard to the claim by the torturer to deny responsibility for the absence of harm, this is not possible because the injury occurred in the first place, and the causal relationship between the official and the damage cannot be interrupted because the injury did not exist, since the causal relationship was originally linked to the liability when the damage occurred, and therefore cannot be denied once the damage ceased to exist (Al-Shara'a, 2014).

The view was expressed that the case in which compensation was paid in one installment should be distinguished from the form of a lifetime income. In the case of a one-time payment, the official cannot claim a reassessment of the compensation because the judgment has acquired a definite degree and has acquired the authority to do so. In the case of compensation in the form of a salary income and the damage has been extinguished through the recovery of the patient or the reduction of the damage, the person responsible for the damage is entitled to claim that the payment of the income should not continue. This view was based on the fact that the aggravation of the damage and its extinction or decrease occurred after the judgment and on an equal basis. Just as the injured person is entitled to claim a reassessment of the compensation when the damage is aggravated, the official is entitled to claim a reassessment of the compensation in the case of the loss (Al-Shara'a, 2014).

As for Jordanian legislation, article 268 of the Civil Code sets forth the position of the legislator in this regard, stating: "If the court is unable to determine the extent of the guarantee for a final appointment, it may reserve the right to request a review of the assessment within a certain period of time for the aggrieved person." The explanatory memorandum of the Jordanian Civil Code states that "the judge may not at times be able to determine the time of the judgment

the extent of compensation sufficiently, as in the case of an injury - which is not well-known - whose penalty is not determined until after a period of time has elapsed. In this case, the judge may decide on a provisional compensation within a reasonable period determined. If the time limit expires, the judgment shall be reviewed and compensation shall be awarded to the injured in the case where the Jordanian lawmaker so requires, only that the damage may be requested to be reassessed Reassessment because it is contrary to the authority of the order prescribed, and that article (268) made it only for the injured person to demand a reassessment, and in fact, the injured person cannot request a reassessment because of the lack of damage.

However, there are applications in Jordanian legislation that refer to the issue of the lack of compensation in case of recovery of the patient. This is stated in article 36 of the Jordanian Social Security Act No. 1 of 2014, which relied on the issue of stopping the income in case of recovery and increase of the patient in case of aggravation of the injury. "a. The Foundation and the injured person who has a permanent partial disability or permanent total disability pension may request a medical examination at least once every six months during the two years following the date of confirmation of the disability. The following procedures shall be followed in accordance with the result of the re-examination and with a decision by the medical authority: 1. If the disability rate becomes less than 30%, the disbursement of the sickness salary shall be permanently suspended. The injured person shall be granted the compensation prescribed in accordance with the provisions of paragraph (d) of article 30 of this Law, as the case may be, for the disability rate for which he has never been paid in accordance with his wages which were used as a basis for paying his contributions on the date of the last injury.

Fourth Case: If the person with a permanent total disability becomes unfit to assist him or her in carrying out his or her daily life, the increase prescribed in accordance with the provisions of article 30 (b) of this Law shall be suspended from the first day of the month following the date of re-examination."

Article 30 of the Civil Retirement Law, as amended by Law No. 34 of 1959, stipulates that "an employee who is given a sick salary shall be entitled to a medical examination at the place and time designated by the Ministry of Finance for this purpose, whenever requested. The examination shall not exceed two years. If the results of the medical examination indicate that there is an improvement in his health condition, the sickness salary shall be reduced as soon as the illness is reduced according to the levels of his ability to support himself, as indicated in article 27. The entire salary shall be canceled if he recovers from his illness"

Although these articles are included in Jordanian legislation, this indicates a contradiction between these provisions and article 268 of the Civil Code. However, it can be said that these provisions are specific and exclusive to this group. However, we find that the Jordanian legislature stipulates in article 363 that "If the guarantee is not foreseen in the law or in the contract, the court shall estimate it to be equal to the damage actually caused when it occurred," which raises a clear contradiction between the provisions regarding compensation in this case.

However, the legislation needs to be amended in order to add the question of the recovery of the patient and the right of the person responsible for the damage to claim a reduction in compensation even after the judgment has been rendered and has acquired the authority, especially if the recovery of the injured person is due to the person responsible for the damage.

### III. Discussion

1. Compensation for damage under Jordanian law is either compensation in kind or monetary compensation, as provided for in article 269 of the Jordanian Civil Code. Monetary compensation may be a one-time payment, installment compensation, or a lifetime salary.
2. This is what is stated in article 269 of the Jordanian Civil Code in order to guarantee the injured person to pay the income for the life of the injured person.
3. The injury suffered by the injured person is a variable from time to time and does not remain as stable as it was at the time of the injury. The change occurs after the judgment is rendered by the court. This change may be lax over time, changing in the course of the proceedings, before and after the judgment is rendered. These changes may either be on the damage itself or on the value of the damage.
4. As the damage changes over time, the amount of compensation may change as a result of the deterioration. This is what the Jordanian legislator took, but he did not mention the issue of the decline of damage over time and its effect on the amount of compensation.

### IV. Conclusion

Accordingly, in the light of this research, we have several recommendations, which can be summarized as follows:

1. The damage caused by an attack on a person's body is considered to be multiple and not of a single nature. Some of the damage results in injury and some results in death, and all people should be equal in assessing compensation without distinction. We, therefore, hope that the Jordanian legislature and the judiciary will establish objective bases, support, or criteria on which the judge will base his assessment for compensation for each of these damages and on which the judge will base his statement of the value of compensation for the same damage.
2. Amend the text of article 363 of the Jordanian Civil Code so that the judge can assess the value of the physical injury of a special nature after all the elements of the injury have been completed and the condition of the injured has stabilized, taking into account the change in prices.
3. We hope that the judiciary and those who are harmed will move beyond the shameful phase of sexual harm, which may prevent the appropriate amount of compensation for the harm.
4. The judiciary must be committed to full compensation, since the damage to the integrity of the body may not exceed the injury to the body and injury to one of its members. The damage may at other times amount to a high degree of seriousness, resulting in the loss of the person's life. The judge must consider any damage to the human body as a separate element in estimating the amount of compensation and referred in his judgment to compensation for each individual element.

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