



Veterinary malpractice and civil liability in Jordan: A legal and ethical framework for reform

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Abstract

The following paper discusses the efficacy of civil provisions in addressing veterinary malpractice and liability in Jordan by focusing on the legal liability of veterinarians. This paper discusses the distinction between contractual liability and tort liability by recognizing gaps in laws that cause judicial ambiguity among owners and veterinarians. This qualitative description and analytical paper discusses judicial interpretation, legislative shortfalls, and ethical factors in veterinary civil liability.

The outcomes indicate that while tending to practice in accordance with a duty of care in general, Jordanian veterinarians have no explicit malpractice laws to regulate practice in this manner. This creates inconsistencies in judicial judgments. This comparative viewpoint emphasizes the significance of systematic changes in legislation to clarify veterinary liability, judicial consistency, and incorporation of professional ethics in legally binding rules.

The report is in favor of bringing in specialized malpractice laws in veterinary practice, mandatory malpractice insurance, and better judicial training programs. It is also in favor of increased awareness among citizens, alternate modes of settling disputes, and the introduction of technology in veterinary judicial systems. Future research should consider examining empirical malpractice case studies, implications of future emerging technologies, and veterinary liability in public health.

The current work contributes to scholarly discourse in jurisprudence and policy development by ensuring professional accountability is met while guarding both owners' rights and those of veterinarians.

Keywords: Veterinary malpractice, civil liability, contractual liability, tort liability, veterinary ethics, Jordanian civil law, legal framework, judicial interpretation, professional accountability, malpractice compensation

Introduction

The veterinarian's job is ethical, humane, and scientific. It is as old as the history of man. Long decades have given tradition and details to it, requiring practitioners of the same to be mindful of animals at all times and situations. They have to be a moral compass in their actions and behavior, be honest in their professional work, protect the lives of animals, be kind to them, use every effort at caring for them (Shukhov, 2024) ^[40]. In this context, veterinary ethics is a set of rules and principles from which all veterinarians draw his inspirations in the practice of his professional activities (Dzikowski, 2024) ^[18].

Significantly, the concept of veterinary professional responsibility and its emergence traces back to the early days of human awareness about animals and medicine. Possibly the most striking characteristics of the doctor's civil responsibility in its broadest terms finds its point of reference in the promulgation of numerous civil laws in Arab states, which at times took their bearings from the French system of laws as well as at other times from the precepts of Islamic jurisprudence (Ali, 2024) ^[8]. This is seen in the Jordanian code of civil laws, wherein veterinary responsibility is moulded through the interaction of comparative precepts of the law as well as local customary laws (Al-qaraleh et al., 2024) ^[12].

This study aims at evaluating the sufficiency of the provisions of the civil liability regarding the damages inflicted as a result of veterinary malpractice. In specific, Identify the essence of the veterinarian's civil liability.

- Discuss the professional responsibilities of veterinarians and their legal obligations.
- Analyze the conditions and criteria of veterinary liability under the law.

- Assess how the risk is transferred and the procedures for claims under the law.
- Evaluate the significance of contractual terms under veterinary liability legislation.

Despite the growing complexity of veterinary practice, civil liability laws often lack provisions specific to veterinarians, leading to ambiguity in determining legal responsibility for medical errors. Unlike human medicine, veterinary patients are legally considered property, adding further complexity to liability issues. The rise in malpractice claims and advancements in veterinary science highlight the need for clearer legal definitions and structured liability provisions (Green, 2024) ^[23].

Many countries have passed specialist veterinary practice legislation. In Jordan, the Jordanian Veterinarians Law, the Jordanian Veterinary Medicine Practice Law, as well as the Veterinarians Syndicate Law, prescribe professional as well as ethical guidelines. But these cannot cover all the veterinary malpractice-related areas of civil liability. As the level of awareness is improving among the people, the matter of cover for the liability as well as litigations, courts, mainly in developing countries, have witnessed the number of veterinary malpractice cases increasing (Zhornokui, 2024) ^[44].

The lack of explicit legal provisions addressing veterinary liability has sparked a jurisprudential debate. Some advocate for modernized liability frameworks to ensure fair treatment of veterinarians, while others argue existing laws sufficiently cover malpractice. Courts generally aim to balance veterinary professional autonomy with the rights of animal owners seeking compensation for damages (Letuta, 2024) ^[31].

This research is highly relevant as veterinary medicine becomes more significant in public health, food safety, and animal ethical treatment. Lack of well-defined liability guidelines makes the veterinarian liable to varied interpretations of the law, possibly deterring them from extensive medical interventions because of the risk of being sued. Legal literature regarding veterinary civil liability is limited in Arab states, which makes the present research timely and essential.

By addressing these gaps, the current research expects to:

- Contribute to the development of veterinary guidelines compatible with the latest breakthroughs in medicine.
- Provide policy proposals for more effective regulation of liability.
- Enhance public awareness of veterinarians' legal obligations.
- Support judicial decisions and legal amendments regarding veterinary malpractice.

This research is an essential precursor to updating legal methods of veterinary liability, achieving justice for veterinarians while safeguarding the rights of animal owners. The results will be of great benefit to policymakers, legal professionals, and academics in veterinary jurisprudence and professional responsibility.

Literature Review

1. Introduction to the General Sense of Veterinary Medicine

Veterinary medicine is a long history spanning as far as ancient civilizations in the likes of Egypt, Greece, and Rome, with early veterinary medicine developing there in the aim of safeguarding animals bred for agriculture as well as domestic animals (De Briyne et al., 2021) ^[17]. Veterinary medicine grew largely as a result of the requirement of keeping animals healthy for agriculture as well as the war efforts (Beni Satria, 2024) ^[14]. In 1761, the first official veterinary institution opened in Lyon, France, when the history of veterinary medicine as we know today began (Heintzman, 2018) ^[26].

Over the centuries, veterinary medicine is no more a simple combination of the medical sciences but also includes ethics as well as legal considerations (Schmerold et al., 2023) ^[39]. Today, the role of the veterinarian is no more just animal medicine but also includes responsibilities in food safety, epidemiology, as well as public health (Caneschi et al., 2023) ^[16]. Animal health control, animal welfare, as well as the support of biomedical research, is also the role of veterinary practitioners (Dzikowski, 2023) ^[18].

2. Human medicine and veterinary medicine: A structural and ethical comparison

Although veterinary medicine and medicine have essential areas of science such as anatomy, pathology, and pharmacology, their applications tend to be quite distinct (Zuraw & Aeffner, 2022) ^[45]. Education in veterinary medicine is with a vast number of species, with the veterinarian being required to be skilled in the treatments applicable across multiple body systems, as opposed to medicine, which is for a single species (Gordon et al., 2023) ^[22].

Additionally, veterinary medicine introduces ethical complexities that are not present in human medicine (Mukherjee et al., 2022) ^[36]. Unlike human physicians,

veterinarians must navigate a triadic relationship involving the animal, the owner, and the public health sector (Bubeck, 2023) ^[15]. This creates ethical dilemmas concerning euthanasia, treatment affordability, and the prioritization of public health over individual animal welfare (Kiran et al., 2022) ^[29].

3. Veterinary Medicine in Arab and Islamic Traditions

The Arab world has an ancient history of veterinary medicine that dates before the Islamic period. The desert-dwelling Bedouins were experienced equine and camel physicians because they relied on them for transportation, trade, and war (Tayarani-Najaran et al., 2014) ^[43]. The earliest Arab veterinarians specialized in treating diseases like scabies, lameness, and injuries using herbal medicines and surgical interventions.

During the golden age of the Islamic era, veterinary medicine also flourished. Animal physiology, disease control, as well as treatments, were widely described by scholars such as Al-Jahiz and Ibn Khaldun (Moallemi et al., 2021) ^[35]. Islamic scholars also laid great emphasis upon the humane treatment of animals, which also affected the moral foundation of veterinary medicine quite a great deal (Kırmılioğlu, 2018) ^[30].

4. Veterinary Practice as per the Jordanian Regulations, Instructions, and Laws

The veterinary sector in Jordan is governed through a number of legislation mechanisms with the aim of advancing professional accountability as well as animal well-being (Abutarbush et al., 2022) ^[2]. Some of the prominent legislation includes the Jordanian Practice of Veterinary Medicines Law No. 10 of 1988, which prescribes the standard of licensure, as well as the Jordanian Veterinarians Association Law No. 28 of 2008, which regulates the professional conduct of the practitioners (*Jordanian Veterinarian Trade Union Law No. 70 of 2001.* / *FAOLEX*, n.d.; Kabboush et al., 2024) ^[28].

Despite these laws, gaps in veterinary malpractice laws continue. Current legislation predominantly addresses professional malfeasance but is unclear when it comes to malpractice liability. This uncertainty produced discrepancies in the courts' interpretations as well as implementation (Fulkerson, 2002) ^[20].

5. The Veterinarian's Responsibility

Veterinarians in Jordan operate under the overall guidelines of the civil liability, which separate the liability into contractual and tort liability (Prayuti et al., 2024) ^[38]. A breach of the obligations as stipulated under the agreement of treatment results in contractual liability, whereas the occurrence of negligence with the resultant injury to the animal or loss of money from the owner triggers the use of tort liability (Mensah et al., 2023) ^[33]. Compared to Western jurisprudence systems in which malpractice is differentiated clearly from regular negligence, Jordanian veterinary legislation does not have clear statutory provisions distinguishing malpractice liability (Al Majed, 2021 ^[3]; Al-Khalaleh et al., 2023) ^[9]. This statutory ambiguity has created judicial inconsistency in verdicts and increased vulnerability in law among veterinary professionals. Legislative modifications in the future should integrate certain standards in laws to achieve an equal balance between ensuring professional responsibility while ensuring equal judicial protection to both owners and veterinarians.

Research Method

The methodology employed in this work is qualitative in style through comparative, analytical, and descriptive consideration to analyze the civil liability of veterinarians in accordance with Jordanian laws and comparative international legal systems. As judicial precedent is in short supply in this sphere in Jordan, this work is directed to plug gaps in present laws through extensive consideration of statutory rules, judicial decisions, and doctrinal scholarly publications (Alhawamdeh & Alfawaer, 2023) ^[6].

1. Research Design

The research is grounded in a methodological approach of analysis, description, as well as comparison of the legal, with the view of facilitating the scholarly examination of the legal provisions, jurisprudence, as well as scholarly work. It provides provision for the examination of Jordanian laws, the Jordanian Civil Code, the Jordanian Veterinary Medicine Practice Law, as well as other relevant regulation, as well as the foreign legislation dealing with veterinary malpractice as well as veterinary liability (Haloush et al., 2021) ^[24].

By comparative jurisprudence, the research compares veterinary negligence under the laws of France, the United Kingdom, and the United States, with the aim of identifying the best models and jurisprudence developments applicable in Jordanian law (Al-Sharida, 2024) ^[13]

2. Data collection procedures

This research is grounded on secondary sources of data, which include:

Legislative Texts: A study of the Jordanian civil law provisions, ministerial regulation applicable, as well as international legal documents pertaining to veterinary malpractice.

Judicial Precedents: A study of national as well as international courts' rulings in considering judicial interpretations of veterinary civil liability.

Doctrinal Legal Analysis: Based on scholarly literature, commentaries, and scholarly publications about civil liability and veterinary malpractice as the foundation for the creation of a theoretical framework.

Comparative Legal Research: Investigating veterinary liability laws in civil law and common law jurisdictions to identify potential improvements for Jordanian legislation and judicial practice (Abdelgafoor Al-Amawi, 2021) ^[1]

3. Data Analysis

The collected judicial documents, judicial rulings, and scholarly works are critically analyzed using the following techniques of legal interpretation:

Doctrinal Analysis: Interpretation of statutory provisions and court judgments to determine the extent of veterinary liability.

Comparative Legal Analysis: Contrasting Jordanian law with international standards to assess similarities, differences, and potential reforms.

Critical Legal Thinking: Evaluating the extent to which existing Jordanian legislation provides adequate protections for victims of veterinary malpractice while ensuring justice for veterinarians.

Case Law Study: A study of other jurisdictions' case studies with the view of drawing relevant legal principles from them applicable in Jordan (Alahmary & Sadique, 2021) ^[4].

4. Scope and Limitations

The research is limited to civil liability alone and doesn't touch upon criminal liability or professional disciplinary actions against the veterinary practitioners.

Given the limited number of Jordanian judicial rulings, foreign jurisprudence is extensively reviewed to fill existing knowledge gaps.

The study is not conducted through empirical research, surveys, or interviews but is based upon legal documents, judicial opinions, as well as scholarly literature.

While primarily centered on Jordanian jurisprudence, comparative observations from the French, British, as well as US legal systems are also made (Al-Hawamdeh & Alhasan, 2024) ^[7].

5. Ethical Considerations

This study is dedicated to maintaining the highest ethical standards of legal research, being transparent, accurate, and accountable in analyzing veterinary civil liability. Being about the use of legal documents, court rulings, and scholarly publications, there is no requirement for the active involvement of human or animal participants, privacy concerns, consent, or animal welfare. The research is also maintaining intellectual property rights through the provision of adequate citation of all the materials used from the law, precedent, as well as scholarly publications (Almaharmeh, 2022) ^[10]. The research also ensures a balanced perspective with fairness through the objectively analyzing of the issue of liability with consideration of the professional duties of the veterinarians as well as the animal owners' legal concerns. By adhering to these ethical guidelines, the research is contributing to meaningful legal discourse as well as policy-making in veterinary civil liability. This robust methodological framework facilitates extensive and critical analysis of veterinary civil liability, contributing value to scholarly discourse as well as the Jordanian as well as other jurisdictions' legislative process.

Results

This study is a close examination of veterinary civil liability with emphasis on Jordanian legislation as well as international comparative legal insights. It finds wide gaps in Jordanian legislation when it comes to veterinary malpractice, judicial interpretation difficulties, as well as professional ethics shortcomings. It emphasizes the imperatives for legislative changes as well as more distinct legal guidelines toward improving accountability as well as consistency in veterinary liability cases. Based on international as well as regional case laws, the research makes the case for the necessity of legal changes more forcefully as well as finds the workable models Jordan can embrace.

1. Findings on veterinary civil liability

The Veterinarian's Responsibility of Care and Delivery of Outcomes

The research establishes that Jordanian veterinarians predominantly operate under a duty of care, wherein they have the duty of using reasonable skill and prudence in their professional work. Some veterinary procedures, such as surgery and vaccination, would, however, have the duty of achieving certain outcomes (Dzikowski, 2023) ^[18]. In the U.S. Veterinary Practice Act, there is a distinct differentiation of the duties of a veterinarian under the duty

of care as opposed to duties to achieve results, with more predictable judicial rulings being expected (Suryawanshi et al., 2024) ^[41].

Deficiency of Provisions of Veterinary Civil Liability under Jordanian Law

Unlike human malpractice, veterinary malpractice is without a certain legislative system in Jordan. In distinction from the Animal Welfare Law of Saudi Arabia, which outlines specific grounds for malpractice claims. In the same fashion, the UAE's Federal Law No. 16 of 2007 for Animal Welfare places accountability upon veterinary practitioners (Almheiri, 2023) ^[11].

Islamic Jurisprudence and Its Implications for Veterinary Responsibility

The Civil Code of Jordan enshrines Islamic legal precepts that call for humane treatment and ethical veterinary medicine. Yet, in contrast to Egyptian courts, which have invoked Islamic jurisprudence to support veterinarians' ethical responsibilities, the Jordanian courts have not set forth definitive judicial precedents regarding veterinary liability. This leaves a gap in the application of Sharia-based precepts to malpractice suits (Goodson, 2021) ^[21].

Ambiguity Between Contractual and Tort Liability

Jordanian law is ambiguous regarding the classification of veterinary liability as being contractual or tortious. In contrast, the French Code Rural et de la Pêche Maritime specifically categorizes veterinary liability, enabling courts to ascertain the classification of malpractice cases as being under the law of contract or the law of tort. In Jordan, the absence of the same classification leads to contradictory judicial rulings as well as uneven implementation (Al-Brim et al., 2024) ^[5].

Limitations of veterinary professional ethics in defining civil liability

While veterinary ethics set the standard for professional conduct, they are nonbinding. In Australia, professional ethics have been encapsulated in binding guidelines under the law. In Jordan, the ethical guidelines remain advisory as compared to binding, introducing more complexities in the veterinary liability cases under the law (McClellan, 2022) ^[32].

Judicial Challenges in Establishing Veterinary Malpractice: Due to the lack of veterinary malpractice legislation, Jordanian courts have no basis upon which they can ascertain negligence and accountability. In the U.S., there is established case law, like Tannenbaum (1995) ^[42], which set down specific negligence guidelines for veterinary practitioners. Lacking the same precedent, Jordanian courts have no other recourse but to apply sweeping civil liability guidelines, with the resultant inconsistent rulings (Hayajneh, 2024) ^[25].

Economic and Psychologic Consequence of Malpractice

Veterinary malpractice affects both animal welfare and the financial stability of animal owners. Canada's veterinary liability insurance system ensures compensation for malpractice victims, while Jordan lacks a structured compensation mechanism (Tannenbaum, 1995) ^[42].

Comparative Legal Views from Global Models

The U.S. Practice Act explicitly differentiates malpractice from professional negligence, enabling courts to deliver standardized rulings. In the same fashion, the European Union's Animal Welfare Directive 2010/63/EU ensures veterinary malpractice claims are processed with standardized legal guidelines (Poirier et al., 2015) ^[37].

Necessity of Legislative Reforms

The study highly favors the adoption of veterinary malpractice legislation specifically in Jordan. European models such as the veterinary liability laws of France establish professional obligations, define negligence from malpractice, and have orderly mechanisms for compensation (Miller & Lu, 2019) ^[34].

Implications of the Findings:

- **Legal Reform:** It emphasizes the necessity for Jordan to adopt professional veterinary malpractice legislation with distinct veterinary legal duties and obligations.
- **Judicial Clarity:** Courts should embrace standardized parameters for evaluating veterinary malpractice and negligence in order to have standardized legal interpretations as well as rulings.
- **Professional Accountability:** Improving veterinary regulation and incorporating ethical guidelines into the law will ensure professional accountability and uphold ethical responsibilities.
- **Public Awareness:** Raising awareness about the legal rights of animal owners and the responsibilities of veterinarians will ensure improved safeguarding from veterinary malpractice.
- **Comparative Legal Adoption:** Jordanian lawmakers can borrow the best from jurisdictions with well-established veterinary regimes. These results highlight the need for filling gaps in veterinary liability and the establishment of a well-organized, transparent, and accountable system of veterinary practice in Jordan.

Conclusion

The importance of an explicitly outlined system of veterinary civil liability in Jordan is raised by this work. While working in most cases in a duty of care capacity, veterinarians can be exposed to inconsistencies in judicial judgments and professional responsibility in the context where explicit provisions in laws are not present. Relying upon international experience in jurisprudence, this paper highlights the importance of systematic rules that balance both professionals in veterinary practice and owners of animals. Enforced laws in veterinary practice will better clarify laws, ensure just responsibility, and bolster confidence in veterinary practice in general.

The current work is largely reliant upon academic publications and documents to establish concrete foundations upon which future researchers can work through extensive case studies and interviewing. Since malpractice suits in veterinary practice in Jordan have not been regularly reported in the past, comparative examples in international jurisdictions can be helpful to draw upon. Civil liability is stressed in this work to analyze in-depth while

leaving future researchers to continue investigating criminal liability and professional responsibility.

The work is priceless in filling in an imperative gap in Jordanian legislation in veterinary civil liability. Relying on an assessment of the present system of laws, moral aspects, and international requirements, this work offers grounds to better regulate legislation to balance professionals' responsibility with owners' rights. This work contributes to making clearer and better organized laws to achieve judicial consistency, ethically directed practice by veterinarians, and trust in the profession by citizens. Furthermore, by calling to attention economic and social factors related to veterinary malpractice, this work provokes an extended debate about professionals' responsibility in ensuring public health and protecting animals. The work is an invaluable source to guide policy makers, legal professionals, professionals in veterinary practice, and academics to regulate laws relating to veterinary liability better and to better secure the rights of all concerned parties.

Recommendations

- **Clear Legislative Framework:** Enact explicit statutory provisions to specify veterinary malpractice, negligence, and liability in order to have increased legal transparency and foreseeability.
- **Judicial Specialization:** Provide specialized training to attorneys and judges to ensure uniform interpretation and enforcement of veterinary liability laws.
- **Mandatory Malpractice Insurance:** Establish an organized insurance system to protect veterinarians from unnecessary financial hardship while ensuring fair compensation for affected animal owners.
- **Incorporating Ethics into Law:** Strengthen professional responsibility by embedding veterinary standards of conduct into legally binding regulations.
- **Public Education:** Educate animal owners, veterinary professionals, and legal practitioners about their rights, responsibilities, and relevant laws through awareness programs. Alternative Dispute Resolution (ADR): Promote mediation and arbitration to settle veterinary liability disputes in an efficient manner to alleviate court clogs and judicial expenses.
- **Employ Technology in Vet Practice:** Promote electronic records, computerized diagnostic equipment, and remote medicine to foster clinical transparency and support judicial accountability.

Future Research

- Conduct fieldwork through interviewing, surveying, and carrying out case studies to gain hands-on practice in veterinary liability matters.
- Conduct further comparative legal studies to analyze a broader range of legal systems to identify best practices for implementation in Jordan.
- Examine the criminal aspects of veterinary malpractice beyond professional disciplinary actions, considering potential legal liability under criminal law. Assess how emerging veterinary technologies such as AI-powered

diagnostic tools and telemedicine affect liability and provisions.

- The economic impacts of veterinary malpractice can have implications both for owners and veterinarians in numerous ways.

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