

Međutim, valja voditi računa i o tome da je pacijent, ne samo u lekarskoj ordinaciji nego i u sporu pred sudom, slabija strana. Njemu kao medicinskom laiku veoma je teško da dokaže grešku i krivicu tuženog lekara, jer medicinski veštaci skloni su i da zataškaju greške svojih kolega. Nesiguran ishod i visoki troškovi vođenja spora odvrćaju, većinom, pacijente od korišćenja prava na tužbu, a dosuđeno obeštećenje može biti čak i manje nego što su troškovi parni-

ce. Takvo stanje je neprihvatljivo iz razloga pravne politike. Štoga treba ozbiljno razmišljati o mogućnosti uvođenja obaveznog osiguranja za slučaj odgovornosti lekara i zdravstvenih ustanova, kao i o mogućnosti dopune te odgovornosti tzv. osiguranjem pacijenta, koje postoji u Skandinavskim zemljama. Osiguranje bi donekle umanjilo uporno nastojanje lekara i zdravstvenih ustanova da lekarske greške skrivaju.

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## **MEDICAL DOCTORS' CIVIL LIABILITY ARISING FROM THEIR PROFESSION**

### **SUMMARY**

*As can be seen from the title of this work, it deals with civil liability of a medical doctor towards patient. Work consists of six large parts. First part is introductory providing practical importance of this topic and necessity for its theoretical scrutiny. Second part has been devoted to liability without medical doctor fault. In this part special stress has been made that medical doctor fault is negative departure from medical standards. However, this is not enough for liability existence, rather there must be following requirements: medical doctor's guilt, patient health impairment and causal connection between medical fault and damage. These requirements author explains in the third part.*

*Topic of the fourth part is medical doctor liability working in team, whereas fifth part embraces medical doctor liability who, one after the other, wrongfully treated the same patient. Last, sixth part of the work bears title 'Medical doctor liability in case of no advice or irregular advice'. This part deals with types and requirements of an advice, on legal consequences of not advising or irregular advice of a patient.*

*Conclusion is at the end. This part points out that medical doctor civil liability grounds on a negligence as a standardized guilt, which is rather objective standard than a personal reprimand. Such objectivisation of the attention criteria is been carried out because of trust principle that allows patient to believe his medical doctor shall use attention of a good expert and has knowledge understood by a standard. Border line between subjective and objective liability, fades away with objective criteria for medical doctor attention, but it was not abandoned. Medical doctor liability still stays subjective, because it is adequate to its altruistic profession.*