

# **DOCTRINE OF CONSENT: EXAMINING THE DOCTOR'S LIABILITY**

**By**

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**Submitted in Partial Fulfillment of the Requirements for the Bachelor in Legal Studies  
(Hons)**

**University Teknologi MARA**

**Faculty of Law**

**July 2009**

**The students/authors hereby confirm that the work submitted is their own and that  
appropriate credit has been given where references has been made to the work of  
others**

## **ACKNOWLEDGEMENT**

In The Name of Allah, The Most Gracious, The Most Merciful,

We must be grateful to Allah Almighty for giving us strength and patience in completing this project paper. Peace be upon His Messenger Muhammad the Prophet.

This research project has been carried out by a team which included; Nurul Diyana Bt Mohd Razali, Nurul Hafzan Bt Ab. Aziz and Siti Fariza Bt Jaafar.

A special gratitude goes to our most respected supervisor, Mr. Izuan Izzaidi Azmi, for his invaluable advice, suggestion, comments and guidance in every stage of this project paper and for providing his time and effort to keep the research in progress.

A special thanks goes to all those who had given us their assistance and guidance that made this study possible by giving both factual information and the benefit of their experience and expert knowledge.

Last but not least, to all our friends for the support and assistance.

## **ABSTRACT**

This research is conducted to study the doctrine of consent: examining the doctor's liability. This research focuses on the extent of liability of a doctor who acted in the best interest of their patients despite the patient's consent before a medical treatment or procedure is carried out. Secondly, this research is conducted to analyzing the exceptional circumstances where a patient's consent is not needed for a medical treatment or procedure. Lastly, other aim of the study is to provide a clear guideline as to determine the sufficiency of information a doctor must provide to his patient. Chapter Two is on the combination of various writings made by several authors, experienced in the medical law and ethics. These reviews are important as the sources to find the extent of liability of the doctor when treating patients. Chapter Three discussed on the historical background, meaning, purpose to medical treatment. Besides that, this chapter will touch a little bit about ethical consideration which is self-determination or patients autonomy. On the other hand, in this chapter also will be discussed about the legal perspective which is when a patient had been treated without his or her consent, it will amount to negligence. Patients also can claim for breach of contract. Fourth Chapter discussed on the doctrine of informed consent and paternalism v patient autonomy. Chapter five is on the types of consent and exceptional circumstances when consent is not needed. Findings of the research and recommendation will be discussed under Chapter Six.

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