

Abstract

This study aimed to understand how to compensate about the damage of roads accidents where the affected faced a lot of legal, judicial, and social barriers and challenges which prevent between him and getting his rights of compensation of what he faced from accident.

In addition, for the practical problems that the relation parts (insured, injured) faces at evaluating the size of compensation and reparation the damage of affected Also studying the nature, extends, and limits of damages at roads accidents that require compensation, And the study lies in how to compensate of damage.

At first, I speak in this search about the problem of this study by deciding the responsible side of damage composition at roads accidents, and the ability of the affected to get his compensation at Palestine, as geographical range at being of Palestinian insurance law NO,20 for the year 2005, that valid from this year as a time frame, comparing with Egyptian and Jordanian insurance law.

The study aimed for explaining and treating problems that facing the compensation of roads accidents damage depending on the Palestinian insurance law rules NO.20 for the year 2005 by comparing and analysis with neighbor's legislations and putting the hand on the weaknesses points in the Palestinian legislations hoped to be developed as new legislations.

The importance of this study comes from the modernity of Palestinian insurance law NO.20 of year 2005, and how it relates and harmonize with the over all surrounded legislations, and how that reflects economically and socially on the society , special to wide sector of judge, lawyers, and low collages students.

This letter consist of industry chapter and other four chapters I talk about the nature and specifications of insurance contract and its affects from the civil responsibility, I studied also the concept of roads accidents and how the vehicle interference on it.

I have study in my letter how to compensate the damage of roads accident, and how to compensate the injured at roads accidents that they are not in clouded by insurance coverage, and refer cases at insurance from the

civil responsibility and the rule of the Palestinian fund in compensating roads accidents injured.

Finally, in conclusion I presented a group of results and suggestions shows that evaluating compensation of damage is one of the realty matters that refers only to the case judge, by deciding the legal elements that damage consist of, and contribute in calculating the compensation, and this is a matter of legal adjustment of realty that dominates on it, the court of cassation where most of the damage at road accidents variable it was better of legislator to determine the damage and leave the evaluation of compensation to jurisprudence and judiciary.

And if the judge that reduces from his knowledge of the case controlled it will be better from the legislator that who knows just the abstract reaching.

That insurance contract aims for compensating the affected and fixed his damage. And depending on these insurance companies should be obligated of compensation and they are responsible of this and the exception obligating the Palestinian fund to compensate.

If we look at the rule of Palestinian insurance law we will find that the majority of cases holds by the fund and the exception holds by insurance companies, which make this law rules contrary to the wisdom of insurance contracts with compensation character and the lessons of establishing the insurance companies that basically responsible of compensation and away of justice.