

Tort Law

Part I

The liability arising from personal own act, act of other person, of animals or things under personal control.

Chapter 1

Liability Arising from Personal Own Act

- Article 1: **The Basis of Liability arising from own acts.**
Any person having caused damage to other person by its own act is liable to compensate for such damages it has caused, except such damage arisen, was not caused by his/her wrongful act, by performance of lawful duties or self-defense.
- Article 2: **Characteristics of Damage**
Damages arisen from other person's acts shall have precise characteristic, which means such had already occurred or certainly occurs in the future. It shall not be deemed as damage if such damage may or not occur in the future.
Furthermore, the damages shall be direct damage, which means it is a direct effect from the wrongful act. Such damage shall also be in breach of legitimate interests of other person.
- Article 3: **Type of Damages**
Damages may cause to life, health, property or the spirit of other persons.
- Article 4: **Composition of Wrongful Act**
Wrongful act is defined by action or omission which violates the law and willfully or negligently causes damage to other person.
- Article 5: **The Connecting Cause and Effect between Acts in Breach of Law and Damages**
The liability to damage shall be effective only if there is a connection of the cause and effect between the act that breaches the law and the damages that arisen as the result.
- Article 6: **Damage arising from the use of rights beyond reasonable limit.**
Any individual willfully exercising its rights in excess of a reasonable limit shall be liable to compensate for the damages arising from such exercising of rights beyond a reasonable limit.
- Article 7: **Liability for Damages Arising from Necessity**
Damages arising from necessary circumstances shall be compensated.
Base on the factual conditions, courts may order person acting or third person who received benefits from the act of the person causing such damage to undertake the responsibility to indemnify such damage.

Article 8: Liability for Damages Caused by Multiple Persons

All persons have jointly caused damages shall be jointly liable for the damages they have caused together. Court may hold any or several persons among them to be responsible for the entire damages, but such person shall have the right to claim repayment from person it has paid for.

Article 9: Calculation of Compensation for Damages and sick-benefits

Calculation of compensation for damages and sick-benefits shall conform to the wrongful act of the individual causing damage.

In the case that the injured person is also engaged in such wrongful act, such person shall also be partly liable for damages and sick-benefits.

In addition to the damage, the committing person may also pay for sick-benefits such as: the income the injured person it would have earned, additional costs of the injured person resulting from such wrongful act.

Chapter 2

Liability for Third Person's Acts, Animals, and things under personal own Control

Article 10: Liability of Employer

An employer is liable to compensate for the damages arising from the acts of its employees that cause damages to other person in their performance of assigned tasks.

In the case, the damage caused by serious wrongful act of the employees, they shall be responsible for compensation of such damages; however, the employer shall prior pay compensation to damaging person(s) before making claims for reimbursement of such payments from the employees.

Article 11: Liability of Parents, Guardians or Administrators

Parents, guardians, or administrators such as educational institutions, hospitals, etc., are liable for damages arising from the acts of minors or those mental disturbance persons, who are under their controls.

Article 12: Liability of Owners or Possessor of Animals

The owners or possessor of animal shall be liable for damages caused by such animals due to the fault of the owner or possessor.

Article 13: Liability for Damages Arising from Objects

Damages arising from any object due to the fault of the owner or possessor, the concerned person shall compensate for such damages.

Part II

Substituting Work for other Person and Receiving of Non - entitle Property

Chapter 1

Substituting Work for other person

Article 14: Substituting Work for other person

Substituting work for other person is any work by person conducting for the benefit of other person without being assigned by such person such as repairing a house for such person in his/her absence, etc.

Article 15: Conditions of Substituting Work

The undertaking of a substituting worker shall be conducted with good faith making benefits to the owner or possessor of the property. In the case that the owner or possessor is presenting in that place, the performance of substituting work may be conducted only when the owner or possessor give prior consents.

The purpose of being a substituting worker may be by legal act such as payment of debt or material consideration such as home repair.

Article 16: Results of the Substituting Work for other person.

Any person, who conducts substituting work for other person shall have the same duties as the assignee as provided for in Article 67 of the Contract Law. That person shall be liable for all damages it has caused and shall report its work to the owner or possessor. The substituting worker shall continue to complete the work it has initiated or until the owner or possessor or successor is able to continue by themselves.

The owner or successor has the same obligation as an assignor to compensate for necessary costs and benefits if such substituting work has been conducted in good manner or if the owner or possessor agrees to accept that substituting work.

Chapter II Receiving of Non - entitle Property

Article 17: Willful Receiving of Non-entitle Property

Any person intentionally receives property of other's person, despite knowing that it has no right to receive such property, that person shall return those property or the value of such property to the owner including the fruit or interest from the date of receiving of such property.

Article 18: Receiving of non-entitle property by mistake

Any person receiving of property of other's person by mistake, such person shall return that property or the value of the property to the owner. The owner of the property shall compensate to such person for maintaining of such property.