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The law of obligations is the largest sub-branch of civil legislation. The legal norms contained in it regulate a wide range of public relations related to the acquisition of goods in property, leasing of property, meeting the needs of citizens in housing, construction of industrial and socio-cultural facilities, transportation of goods, passengers and luggage, provision of services, lending and settlements, insurance, joint activities, use of works of science, literature and art, protection of life, health and property of citizens and property of legal entities, etc. Figuratively speaking, the law of obligations is a circulatory system through which the exchange of substances takes place in the civil body.

The concept of obligation is used in various semantic meanings. An obligation is a certain civil legal relationship, or a separate obligation in this legal relationship, or a document.

The relevance of the topic is expressed by the fact that obligations arising from causing harm are one of the most complex types of obligations in Russian civil law, many problems of which have not received an unambiguous legislative consolidation and theoretical justification, as a result of which numerous difficulties arise in practice.

Meaning and essence of tort obligations.

In the science of civil law, the division of obligations into two groups is widespread: contractual and non-contractual.

- obligations as a result of causing harm (tort obligations), which will be the subject of further consideration;
- obligations resulting from unjust enrichment, i.e. the acquisition or saving of property by one person at the expense of another without the necessary legal grounds.

Obligations resulting from harm (tort obligations) are non-contractual obligations. The causer of harm in this obligation acts as the debtor, and the injured person-the creditor. It is clear from the substance of the obligation that the parties to the obligation were not bound by a contractual relationship, or that the injury did not follow from the existing contract. The content of tort obligations is civil liability, i.e., suffering, bearing certain hardships, additional burden, acting as a legal consequence for the committed offense. The essence of the tort obligation is also determined by its main functions - compensatory (restorative) and protective. The basis of tort obligations while legal fact

generating the corresponding relationship is the harm caused to the person or property of a citizen or the property of a legal entity. Harm is understood as unfavorable for.

The basic principle of the obligation as a result of causing harm is full compensation for the harm by the person who caused it. In the literature, this principle is called the general tort, according to which the wrongfulness of the action and the guilt of the harmer are presumed. The relationship between a general tort and special torts can be expressed as follows: if the law provides for a special tort, the rules of this tort must apply to the relevant relations; the rules of the general tort are applicable in the absence of a special tort. Nevertheless, the basic, original categories of tort law are contained in the general tort rules, and the rules of special torts are based on them. As a general rule, citizens, legal entities, the Russian Federation, subjects of the Russian Federation, and municipalities may act as parties to obligations resulting from harm. The person who is obliged to compensate for the damage caused is the debtor in this obligation. a person whose property or non-property rights are harmed is a victim and - in a tort obligation-a creditor.

The basis of tort liability is a legal fact, which is associated with the violation of the subjective right of the victim - the presence of harm. Conditions of liability are the requirements specified in the law that characterize the basis of liability and are necessary for the application of appropriate sanctions. If there is harm as a basis for tort liability, it is necessary to establish the existence of conditions of tort liability for the application of coercive measures to the offender. They are part of the general tort, i.e. they have a general meaning and are subject to application, unless otherwise provided by law.

The conditions of tort liability are mandatory general requirements, compliance with which is necessary in the case of applying appropriate measures of liability to the offender - sanctions, i.e. to force him to fulfill the obligation to compensate for harm.

Conclusion

In the science of civil law, the division of obligations into two groups is widespread: contractual and non-contractual. Non-contractual obligations are a set of obligations with a common socio-economic essence, based on organically related and interacting with each other legal norms and united by a common function of protecting absolute property and personal non-property relations, compensatory-restorative, preventive-educational and organizational-stimulating function, as well as common legal structures and legal principles. Non-contractual obligations are a protective subsystem of civil law.

The division into contractual and non-contractual obligations is carried out on the basis of the grounds for the occurrence of obligations: non-contractual-from the grounds provided for by law. The concept of "non-contractual obligations" also covers such type of obligations as obligations due to harm (tort obligations).