

UNIVERSITAS KRISTEN WIRA WACANA SUMBA

WEEK 8

LAW OF TORTS

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ENGLISH FOR LAW



Review

In most countries, lawyers use legal contract with different language from general language that some people do not understand it. It is very important to have understanding of the legal contract, for example:

- Understanding formal expression e.g. in the near future (soon/segera).
- Understanding technical words e.g. defective (damaged/rusak).
- Understanding archaic terms e.g. hereunder (below/dibawah ini)

Key Vocabulary

long sentence	Difficult	formal words	passive voice
kalimat panjang	sulit	kata-kata formal	kalimat pasif
punctuation tanda baca	different order urutan berbeda	interpret mengartikan	style of writing teknik penulisan
unusual structure struktur yang tidak umum	verbs, nouns, adjectives kata-kata kerja, benda, sifat	clear definition definisi yang jelas	plain English bahasa Inggris sederhana
general English bahasa Inggris umum	synonyms sinonim-sinonim	different ways cara-cara yang berbeda	understandable dapat dimengerti
old-fashioned kuno/klasik	misinterpretation kesalahpahaman	legalese bahasa hukum	contain berisi

Difficult words or phrases from extract of contracts

Learning difficult words or phrases from extract of contracts

- “In the event of death of the Supplier the rights and obligations under this Agreement shall be terminated forthwith”. In general language, it means “If you die then this contract will end immediately”.
- “A remedy for breach of contract”. In general language, it means a solution provided to an injured party in cases of breach.
- “To enforce a term. In general language, it means that to make sure that the term is obeyed.

Law of torts

Law of torts deal with civil wrongful conducts causing harm e.g. injury or loss, to others.

Types of torts:

- Negligence (kelalaian yang menyebabkan kerugian pada orang lain)
- Trespass to land (masuk tanah atau property orang tanpa izin)
- Trespass to the person (ancaman atau gangguan langsung terhadap kebebasan seseorang)
- Defamation (pencemaran nama baik seseorang)
- Nuisance (gangguan yang menyebabkan ketidaknyaman pada orang lain)

Key Vocabulary Before reading

wrong	principle	slander	against
harm	conduct	suffer	behavior
damage	assault	hurt	careful
liable	battery	Libel)	formal word
compensate	defamation	physically	no sign

Key Vocabulary Before reading

wrong salah	principle prinsip	slander fitnah lisan	against bertentangan
harm membahayakan	conduct bersikap/perilaku	suffer menderita	behavior bersikap/perilaku
damage kerusakan	assault ancaman penyerangan	hurt terluka	careful hati-hati
liable bertanggung jawab	battery kontak fisik kekerasan	libel fitnah tertulis	formal word kata yang formal
compensate kompensasi	defamation pencemaran nama baik	physically secara fisik	no sign tanpa tanda

Reading

The law of torts deal with civil wrong. A wrong is something that causes harm or damage to another person. The words “harm” and “damage” have similar meaning. A person who suffers harm or damage is hurt in some way. This hurt might be physical in nature, but it might be some other type of hurt, causing someone to lose money. This is area of law is based on the following principle. In situations where I cause harm to another person, I may be liable to compensate him or her that harm, even in situation when:

- I do not have a contract with that person.
- I did not commit a criminal act against that person.

The law of torts say that I must not harm another person either because I choose to harm him or her or because I am not careful enough.

In other words, I must be liable to any harm that I cause to another person either from having intention to cause harm, or from negligence.

Cont....

For example, Nicholas shopped in large supermarket and an employee of the supermarket washed the floor ten minutes ago. The floor was still wet and Nicholas did not know about this. There was not sign to warn him that the floor was still wet. He slipped on the floor and hurt his back. He had to went to hospital and could not go to work for a month. He made a claim based on the principles of the law of torts. He hurt physically because of someone else's conduct or behavior.

There are three main law of torts that cause harm to people.

- Trespass to other person means to harm someone in a physical way, for example, assault, battery, and false imprisonment.
- Defamation means that someone makes negative statements about another person that harm the person's reputation e.g. libel and slander.
- Negligence means that someone causes harm to another person because that someone is not careful enough.

(Catherine, Mason, 2016, pp. 161 & 164)

Question

1. What is law of tort?
2. What is the possible hurt of someone who suffers harm or damage?
3. In what situation that someone still has to compensate to another person who suffers harm or damage?
4. What does the law of tort say if you cause harm or damage to another person?
5. What happened to Nicholas?
6. Did Nicholas make a claim for harm or damage he experienced?
7. What are the examples of trespassing to another person?
8. What is negligence?

Answer

1. What are law of torts?

- Law of torts deal with civil wrong that someone causes harm or damage to another person and the person who suffer may get compensation.

In the text:

“The law of torts deal with civil wrong. A wrong is something that causes harm or damage to another person ... In situations where I cause harm to another person, I may be liable to compensate him or her that harm.

Cont....

2. What is the possible hurt of someone who suffers harm or damage?

- The possible hurt might be physical in nature or some other type of hurt that causes someone to lose money.

In the text:

“This hurt might be physical in nature, but it might be some other type of hurt, causing someone to lose money. This is area of law is based on the following principle”

Cont....

3. In what situation that someone still has to compensate to another person who suffers harm or damage?
 - Someone still has to compensate even in situation when that someone has no a contract with that person or did not commit a criminal act against that person.

In the text:

“I may be liable to compensate him or her that harm, even in situation when:

- I do not have a contract with that person.
- I did not commit a criminal act against that person.”

Cont....

4. What does the law of tort say if you cause harm or damage to another person?
 - You must be liable to any harm or damage that you cause to another person either by intention or negligence.

In the text:

“In other words, I must be liable to any harm that I cause to another person either from having intention to cause harm, or from negligence.

Cont....

5. What happened to Nicholas?

- Nicholas slipped and hurt his back on the wet floor in a large supermarket and there was no sign that the floor was wet.

In the text:

“Nicholas shopped in a large supermarket...There was no sign to warn him that the floor was still wet. He slipped on the floor and hurt his back. He had to went to hospital and could not go to work for a month.

Cont....

6. Did Nicholas make a claim for the harm or damage he experienced?

- Yes, he he did. He made a claim for the harm or damage he experienced.

In the text:

“He made a claim based on the principles of the law of torts”.

Cont....

7. What are the examples of trespassing to another person?

- The examples are assault, battery, and false imprisonment.

In the text:

“Trespass to other person means to harm someone in a physical way, for example, assault, battery, and false imprisonment”.

Cont....

8. What is negligence?

- Someone who is careless causes harm or damage to another person .

In the text:

“Negligence means that someone causes harm to another person because that someone is not careful enough”.

Exercise

Use the correct words from the key vocabulary

1. Daniel must be _____ for causing damage to Ritha and Mawar.
2. There is a sign "Be _____, the floor is wet" in the large supermarket.
3. Because of your _____ I have to stay in hospital for two weeks.
4. Saying something negative about someone is a tort of _____
5. Writing negative things about someone is a tort of _____
6. He _____ attacked me by punching my face five times.
7. That person must _____ me on the grounds that I suffered harm.
8. The _____ of law of tort is not to cause harm or damage to another person

Answer

1. Daniel must be **liable** for causing damage to Ritha and Mawar.
2. There is a sign "Be **careful**, the floor is wet" in the large supermarket.
3. Because of your **conduct** I have to stay in hospital for two weeks.
4. Saying something negative about someone is a tort of **slander**
5. Writing negative things about someone is a tort of **libel**
6. He **physically** attacked me by punching my face five times.
7. That person must **compensate** me on the grounds that I suffered harm.
8. The **principle** of law of tort is not to cause harm or damage to another person

Exercise

Read the following short texts and decide based on what grounds the cases.

1. Daniel runs a restaurant in a big city. Last month, one of his customers touched a very hot bowl and burnt his hand. Daniel did not put a sign that the bowl was very hot. He makes a claim that Daniel was careless enough. He asked for compensation in civil court. He will sue Daniel on the grounds of _____
2. Rambu was shopping in a large department store last month. One of the employees saw Rambu took a blouse and did not pay for it. The manager of the store kept Rambu for almost one hour until the police arrived. The police found out that Rambu already paid for the blouse. Rambu sued the store on the grounds of _____
3. A national newspaper from Indonesia published a story that a well-known politician, Umbu Rizal, had an affair with another woman. Umbu Rizal was very upset because the story was not true. Umbu Rizal decided to sue the newspaper on the grounds of _____

Answer

1. Daniel runs a restaurant in a big city. Last month, one of his customers touched a very hot bowl and burnt his hand. Daniel did not put a sign that the bowl was very hot. He made a claim that Daniel was careless enough. He asked for compensation in civil court.

He sued Daniel on the grounds of **negligence**

Cont....

2. Rambu was shopping in a large department store last month. One of the employees saw Rambu took a blouse and did not pay for it. The manager of the store kept Rambu for almost one hour until the police arrived. The police found out that Rambu already paid for the blouse.

Rambu sued the store on the grounds of **false imprisonment**

Cont....

3. A national newspaper from Indonesia published a story that a well-known politician, Umbu Rizal, had an affair with another woman. Umbu Rizal was very upset because the story was not true. Umbu Rizal decided to sue the newspaper on the grounds of **libel**

Simple past tense (waktu lampau)

The simple past tense describes events, activities, and situations that began and ended in the past.

- Time signals are yesterday, last week, last month, last year, two days ago, five minutes ago, in 2020, 2023, 2024, and etc.
- Most simple past verbs are formed by added –ed e.g. *played, sued, asked* to a verb and some verbs have irregular past forms e.g. *found out, made, wrote*.

Subject + past verbs

- The police *found out* that that she was not guilty.
- They *made* a claim based on the principles of the law of torts.
- I *asked* for compensation for the damage in the civil court.
- She *slipped* on that wet floor.

(Azar, Betty, 2003)

Write the following the –ed forms of the following verbs

1. sue :
2. advise :
3. claim :
4. arrest :
5. accuse :
6. decide :
7. touch :
8. file :
9. aim :
10. play :

Write the following the irregular forms of the following verbs

1. find out :
2. drive :
3. make :
4. go :
5. see :
6. take :
7. get :
8. write :
9. read :
10. mean :

Answer

1. sue : **sued**
2. advise : **advised**
3. claim : **claimed**
4. arrest : **arrested**
5. accuse : **accused**
6. decide : **decided**
7. touch : **touched**
8. file : **filed**
9. aim : **aimed**
10. play : **played**

Answer

1. find out : **found out**
2. drive : **drove**
3. make : **made**
4. go : **went**
5. see : **saw**
6. take : **took**
7. get : **got**
8. write : **wrote**
9. read : **read**
10. mean : **meant**

Exercise

Choose the correct simple past verb for each sentence

arrested drank sued drove accused advised

1. The judge _____ his car to the civil court in the city.
2. I _____ my manager on the grounds of negligence.
3. Umbu could not find his wallet at the party last night. Umbu _____ Rambu of stealing his wallet.
4. The defendant was very thirsty. He _____ four glasses of water.
5. The police _____ the bank robbers last night. They are now in jail.
6. As a lawyer, I _____ my clients to read carefully the contracts before they decide to sign.

Answer

1. The judge **drove** his car to the civil court in the city.
2. I **sued** my manager on the grounds of negligence.
3. Umbu could not find his wallet at the party last night. Umbu **accused** Rambu of stealing his wallet.
4. The defendant was very thirsty. He **drank** four glasses of water.
5. The police **arrested** the bank robbers last night. They are now in jail.
6. As a lawyer, I **advised** my clients to read carefully the contracts before they decide to sign.

Review

Law of torts deal with civil wrongful conducts. For example:

- Negligence (kelalaian yang menyebabkan kerugian pada orang lain)
- Trespass to land (masuk tanah atau property orang tanpa izin)
- Trespass to the person (ancaman atau gangguan langsung terhadap kebebasan seseorang)
- Defamation (pencemaran nama baik seseorang)
- Nuisance (gangguan yang menyebabkan ketidaknyaman pada orang lain)

Simple past tense

The simple past tense describes events, activities, and situations that began and ended in the past e.g. yesterday, last week, last month, in 2020, 2024 and etc.

Subject + past verbs

- The police *found out* that that she was not guilty.
- They *made* a claim based on the principles of the law of torts.
- I *asked* for compensation for the damage in the civil court.
- She *slipped* on that wet floor.

References

1. Catherine, Mason. (2016). *The Lawyer's English Language Teaching Coursebook* (2nd ed.). Global Legal English LTD.
2. Azar, S., Betty. (2003). *Fundamentals of English Grammar* (3rd ed.). Pearson Longman

Terima kasih