



Session 4

Comparative Studies in Tort Law (3): Juridical Persons in Torts Civil Servants in Torts

Subject: Tort Law
For English Language Based Bachelor of Law Program (ELBBL)
Lecturer: Dr. Phalthy Hap

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Outline

- Juridical persons in torts
- Civil servants in torts

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Meaning of Juridical Persons

Juridical person:

1. “An entity such as a corporation, created by law and given certain legal rights and duties of a human being,...” (Black’s Law Dictionary)
2. “A group of persons or foundation having legal personality, and the holder of the right and obligation.” (Civil Code Glossary)

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Employer vs. Juristic Person



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Cambodian Civil Code, Art. 748

1. Where a director or other legal representative of a juridical person intentionally or negligently causes harm to another in violation of law in the exercise of such person's duties, the juridical person is liable for the payment of damages.
2. A juridical person that pays damages in accordance with paragraph (1) may demand compensation from the representative who committed the tortious act.

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Japanese Civil Code, Art. 44

1. A juridical person shall be liable for damage caused to others by its directors or other agents during the course of the performance of their duties.
2. If any damages are inflicted to others due to any ultra vires act beyond the scope of the purpose(s) of the applicable juridical person, the member(s) and director(s) who consented to the resolution pertaining to such act and the director(s) or other agent(s) who executed such resolution shall be jointly and severally liable for such damages.

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French Civil Code

Art. 1382: Any act whatever of man, which causes damage to another, obliges the one by whose fault it occurred, to compensate it.

Art. 1384: A person is liable not only for the damages he causes by his own act, but also for that which is caused by the acts of persons for whom he is responsible, or by things which are in his custody.

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Activity

Think of examples of torts committed by a director of a company.

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Discussion of Juridical Person in Torts (1)

The diagram illustrates the relationship between a person and a juridical person in the context of torts. At the top, a blue stick figure labeled 'B' is shown. A dashed blue arrow points from 'B' to a photograph of a car accident, labeled 'Damages'. Another dashed blue arrow points from 'B' to a photograph of a building labeled 'SHARP Director', with a blue stick figure labeled 'B' standing in front of it. A red arrow points from the 'Damages' image to the word 'Responsibility', which is followed by a large pink question mark. Below the 'Damages' image is a circular illustration of a meeting with four people around a table, labeled 'Meeting'.

Discussion of Juridical Person in Torts 21)

The diagram illustrates the relationship between a person and a juridical person in the context of torts. At the top, a cartoon illustration of a person labeled 'B' lying in bed with a thermometer, labeled 'Sick', is shown. A dashed blue arrow points from 'Sick' to a photograph of a building labeled 'SHARP Director', with a blue stick figure labeled 'B' standing in front of it. Another dashed blue arrow points from 'Sick' to a photograph of two people signing a contract, labeled 'Signing a contract'. A red arrow points from the 'Signing a contract' image to the word 'Responsibility', which is followed by a large pink question mark. The word 'Damages' is written below the 'Signing a contract' image.

Meaning of Civil Servants

Civil Servants:

1. Law on the General Status of Civil Servants (October 26, 1994)
2. Law on the General Status of Civil Servants of the Legislative Body (February 13, 2003)
3. Law on the General Status of Royal Khmer Army (November 6, 1997)
4. Law on Status of Judges and Prosecutors (July 16, 2014)

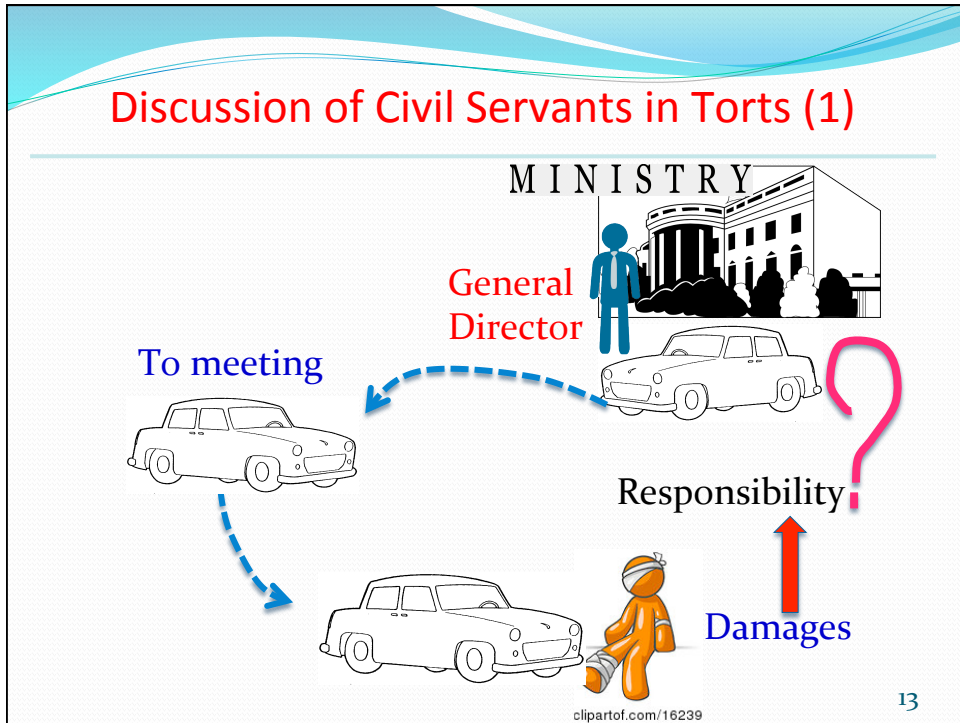
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Cambodian Civil Code, Art. 749

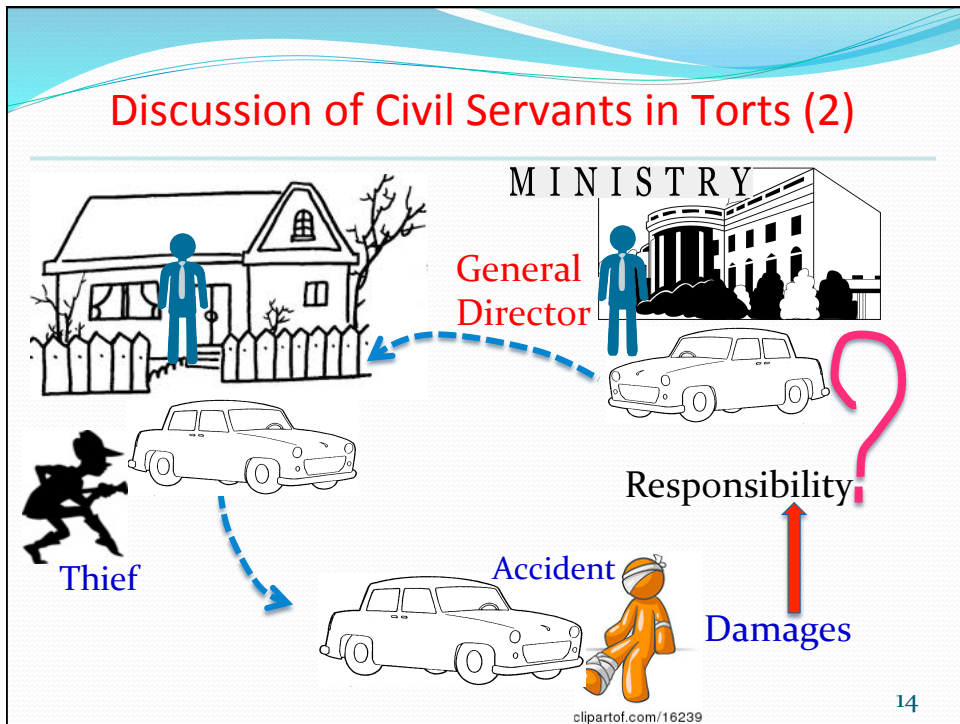
1. Where a public official who exercises the public authority possessed by the national government or a governmental entity intentionally or negligently harms another in violation of law in the course of his public duties, the national government or governmental entity is liable for the payment of damages.
2. In the case described in paragraph (1), the national government or governmental entity may demand compensation from the public official if the official's act constituted a serious breach of the official's duty to avoid the occurrence of the result.

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Discussion of Civil Servants in Torts (1)



Discussion of Civil Servants in Torts (2)



Thank you!!!

Questions and Answers

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