

## SUMMARY

**Key Words:** tort, obligation, guilt, composition of the offense

**Subject matter:** The set of rules governing social relations arising from harm, the doctrine of civil law in this area, as well as judicial and arbitration practice

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**The relevance of the research topic** The harmonious formation of civil society and the dynamic development of the economy is possible only if the rights of the subjects involved in property relations are respected.

Obligations, owing to infliction of harm relate to non-contractual enforcement of obligations civil legal relations. Despite their certain isolation, based on their functional purpose, they interact with other institutions of the law of obligations. So, the rules of articles 640, 648 of the civil code provide for liability for damage to the vehicle; the norm of article 697 of the civil code - liability for damage caused as a result of the use of things; the norm of article 800 of the civil code - liability of the carrier for causing harm to the life or health of the passenger. Rules on tort obligations are contained in transport codes.

The civil law reform did not change the institution of obligations due to harm, but it would be incorrect to say that the new civil law did not affect this institution in any way. According to article 307.1 of the civil code to the obligations of the tort, the General provisions on obligations, unless otherwise provided for respectively by rules of Chapter 59 of the civil code or follows from the substance of the relationship.

With the introduction of the indicated changes in civil legislation, the indicated theoretical problems require a new theoretical understanding.

**The purpose of the work:** study of the procedural features of the resolution of disputes arising from marriage and family relations.

**Objective:** definition of the nature and features of obligations for compensation for harm; clarification of the conceptual framework of civil law applied when establishing the basis for the occurrence of obligations due to harm, identification of gaps in legislation in this area and the proposal of measures to eliminate them.

**The theoretical and practical significance of the research** The results of the research can be used for training in civil law disciplines, as well as for conducting research in the designated area.

### **Results of the study:**

1. when causing harm, there are obligations provided for by various norms of civil law. The basis for their occurrence may be not only an offense, but also lawful damage (article 16.1. of the civil code of the Russian Federation). Therefore, in an obligation due to harm, not only civil liability measures can be applied, but also other measures of state coercion (protective measures, preventive measures).

2. a Tort obligation has the character of a relative legal relationship, since it clearly defines both the bearer of the right (the creditor) and the bearer of the obligation (the debtor). The obligation to compensate for damage is unilateral, since the obligations are imposed only on the debtor. At the same time, compensation for harm cannot be made by inaction, which means that the obligation to compensate for harm belongs to an active type of relationship.

3. Note that the grounds of tort liabilities and tort liability are different, the basis of origin of obligations on compensation of harm can be both unlawful and lawful behavior, and the basis of tort liability – an offence which must meet certain conditions, such as the wrongfulness of the conduct of the tortfeasor, the harm, the causal link between the unlawful conduct and the ensuing harm and the fault of the tortfeasor.

4. Obligation as a result of the injury, has the following features:

- the basis for its occurrence is an offense with a full composition, which includes such elements as: the wrongfulness of the behavior and the fault of the Harmer, the presence of harm, the causal relationship between the illegal behavior and the resulting harm;
  - compensation for damages is a measure of tort liability;
5. the Composition of a civil offense reflects the conditions (elements) stipulated by law, the presence of a combination of which is the basis for civil liability. The practical value of a civil offense related to a clear definition of the characteristics to qualify as violations of civil law, referring to a specific type of tort and burden of proof.
6. It seems appropriate to allocate sub "obligations tort acts of public authorities" in a separate paragraph of Chapter 59 of the civil code. In the current version of Chapter 59 of the civil code of the Russian Federation, articles 1069 - 1071 are devoted to the issue of tort liability for damage caused by acts of public authority, which is extremely insufficient. Tort obligations under art. 1069, 1070 of the civil code of the Russian Federation, are classified as special torts, since there is a special nature of illegal behavior, features of causation, a special subject composition, different conditions for the occurrence of tort liability and features of the procedure for compensation for damage caused.

**Recommendations:**

- 1.to solve the problem of the ratio of insurance of tort liability and liability of the causer of harm, some changes should be made to the current legislation.
  - A) to provide for in Chapter 48 of the civil code that in case of self-reparation to the victim by the policyholder shall have the right to demand from the insurer payment of insurance compensation. This addition seems appropriate, since the literal reading of articles 931 and 430 of the civil code does not allow us to recognize that in such cases, the policyholder, and not the beneficiary, has the right to demand performance in their favor.
  - B) provide in article 931 of the civil code of the Russian Federation the possibility of concluding a liability insurance contract not only in favor of a third party, but also in favor of the policyholder. In the latter case, the policyholder will independently answer to the victim (or, if it is a question of contractual liability insurance, to its counterparty under the contract) and then, having compensated this person for losses, apply to the insurer with a claim for payment of insurance compensation. The victim (third party) will not have the right to apply to the insurer for payment of insurance compensation.
2. it Seems necessary to introduce a norm-definition of the concept of "harm" in article 1064 of the civil code of the Russian Federation as a generic concept, through the following wording:
  1. " harm is expressed in the totality of negative consequences of an offense that constitute a violation of law and order, disorganization of public relations and at the same time diminishing, destroying any good, the value of a subjective right, restricting the use of them, restricting the freedom of behavior of other subjects contrary to the law.