
Civil liability of electricity companies arising from electrocution cases

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Abstract:

The aim of this study is to identify the basis of civil liability arising from the electrocution of electricity companies as guardians of their electrical installations, which are among the things that require special attention according to the Jordanian Civil Law. A distinction is made between responsibility for personal action, responsibility for things and the burden of proving responsibility. There are many and many cases of stunting, and the forms of error and the responsibility are also mixed. Whereas, the Jordanian legislator did not deal with this case and left it to the general rules, which makes it difficult to deduce its elements. Therefore, the study found that the Jordanian legislator established responsibility for the personal act on the basis of the damages, and did not base it on the fault. And that the Jordanian judiciary took the principle of actual guarding of something and not the principle of legal guarding. The study recommended the necessity of individuals with special provisions dealing with the civil liability of things with the General Electricity Law and amending the provisions of the Jordanian Civil Law to include a special standard to distinguish between responsibility for personal action and responsibility for things.

Keywords: civil law, civil liability, guardian of things, responsibility of electricity companies, compensation for dangerous things.

Introduction:

Electricity has been associated with human life, as it is the main ingredient and an important pillar of modern civilized life, as the well-being of man in this technologically advanced age is indivisibly linked with the blessing of electricity. The importance of research on this subject appears in the importance of civil responsibility arising from dealing with electrical installations, and its close association with individuals and groups, and how they are used and dealt with these facilities that make them subject to civil responsibility.

Consequently, the search in civil responsibility for electrical electrocution cases for electricity companies requires us to know the electric electrocution which is defined as the passage of an electric current through the human body and may lead to death, and death can occur due to the shock caused by the stunning enough to stop the heart from working and consequently death events.

The study problem arises; To demonstrate the adequacy and balance of the Jordanian civil law rules to ensure the damage caused by electrical installations in support of Articles (256) (257), and the materials that address the responsibility of guarding for dangerous objects and machines, which were covered by the Jordanian legislator in Articles (291-292). Whereas the use of rights and licenses is conditional on guaranteeing the safety of others, and that the idea of guarding the electrical installations that caused damage has included strict rules on the electricity companies, with the intention of alleviating the burden of proof on the victim, and the practical problems resulting from the application of these rules.

Part one: the legal establishment of civil liability for companies in Jordan

Civil liability is one of the pillars of the legal and social system. Not harming others is one of the most important duties and responsibility of the sane person responsible for his actions and actions, and he is charged and committed to repairing the damages and compensation for the aggrieved party with the loss of his benefit and benefit in the event that this duty is exceeded. The more commercial and economic activity increases with the progress of life, the more the person needs the machine and its use of it increases. The greater the chance of being harmed, and the greater the accidents caused by the machine or object to others.

Liability is generally defined as an obligation under, which may fall from a moral, ethical, or natural obligation, to a civil obligation represented by a financial interest, a business, or an omission from a particular act. If this obligation deals with an obligation to compensate for the harm that a person causes to others by his actions, or by his dependents, or the things present in his custody, or as a result of his failure to perform his contractual obligations, this commitment is expressed by civil liability. According to the legal building on which responsibility is based, many types fall under this designation. And it is a tort liability, if the person ruled it as a result of his personal act that caused him harm to others. This falls under the concept of error, and sometimes we can express this mistake with an offense or a semi-civil offense. It is a statutory responsibility, when it arises from damage caused by the object in the custody of a person, and it is also a responsibility for the act of others when damage arises from the act of a person, the law exclusively determines its legal status with respect to the person responsible for it. (1)

Since talking about companies that acquire the moral personality according to the Jordanian laws, and as stipulated in Article (50) of the Jordanian Civil Law under the provision of judicious persons: According to the provisions of the law. Every group of

persons or funds has a judicious personality established by virtue of a provision in the law. "Thus, the natural person and legal, legal or legal person as he called the Jordanian Civil Law may be equal in terms of importance, and in terms of assuming legal responsibility, whether this responsibility is a result of a contractual liability, or the result of a harmful act. This is because the legal personality plays an important and prominent role in society regardless of whether the legal person is public or private.

The concept of civil liability and the availability of its conditions and its application to the work carried out by the electricity companies in confronting the electric and non-electric subscribers. To clarify this, the responsibility in general is: the case of the person who committed what is required to be blamed for him, and if the matter is contrary to the rules of ethics and described as a moral responsibility, and if the law requires reparation, it is a legal responsibility that requires a legal penalty (2).

Finally; Civil liability, and without looking at its source, is meant by the harmful act that established the obligation to compensation, and the legal impact that this entails on the harmful action, which is the obligation of the one causing the damage to compensate for the injured and to make reparation for the harm.

The second part: the legal establishment of the responsibility of electricity companies for electrocution

In this part, we deal with the means of paying the guard's responsibility for machinery and dangerous things, where there are cases pending in the judiciary in which the aggrieved party cannot prove that the guard has been wrong, which can impose the damage without justification. This inevitably could prejudice justice, as the matter developed to suggest the possibility of establishing the responsibility of the guard against a presumed error that cannot be proven to be reversed (3).

Law and the judiciary established the provisions for responsibility for guarding things. So we try to adapt the responsibility of the electricity companies for the lightning conditions. The guardian of the thing is that person who has real power over this thing in directing and controlling his activity, so when this actual authority is achieved for him the guardianship is achieved, when the authority was the guarding. Note that the Jordanian legislator did not use the term guarding other than what was done by the Jordanian Court of Cassation (4). Guarding can be defined as: placing money in respect of which a dispute arises or the right to it is not fixed and is threatened by an urgent risk by a trustee who is responsible for preserving, managing and returning it, while submitting an account thereof to whoever proves to him the right to it. And, by virtue of the judiciary, it shall be a judicial guard (5).

Guarding also means independent actual control of the thing that enables its owner to control, direct and dispose of the thing for his sake, and actual control means the independent exercise of the possibilities that the thing provides.

Guarding is either an agreement, judicial, economic, or legal:

First: Convention guard: it is a deposit contract, which is a consensual contract, which is sufficient to hold it merely by acceptance and acceptance, in which a person is entrusted with money that he keeps and returns at the end of the contract, and this guard has certain characteristics (6).

1) The deposited thing: It is possible that the deposited object is a real estate or an amount of money disputed or transferred, and the deposited object must be unstable in the right as if it was suspended on a null condition, or was standing and disputing this money is still pending before the court and has not acquired the final degree.

2) The Guardian: The provisions of the deposit and the agency apply to the guardian, and he is thus an agent in the administration, and he must keep the money deposited with him and he must provide a legal account for the money deposited with him. One of the most important duties of a guard is to return the thing deposited with him, after proving the right of one of the parties contesting it (7).

Second: Judicial guarding: the guard is appointed by the court competent to hear the dispute. This will be by a judicial ruling or by an urgent court decision. The procedure is considered a precaution in judicial custody when it is issued by the judiciary as a matter of urgency, and this is done at the request of the owner of the thing, and when it is disputed and unstable, according to which the judge is issued to place the disputed money under the hand of a person who manages and maintains it. This person is required to be faithful and to return the disputed right to its owner according to a final ruling to end the dispute. This custody has several characteristics, including: (a precautionary judicial measure, the purpose of which is to preserve the interests of rights holders and to prevent any possible harm that may be caused to one of the parties in dispute over the object in custody, and the procedure is temporary until a final ruling is issued ending the dispute. And not affecting the origin of the right. The guardian's competence is limited to preserving, managing and maintaining the disputed money without having the right to distribute any profits to the parties to the disputed object until after the judgment has acquired the final degree that ends the dispute (8).

Third: Legal guarding: The law is the basis for legal guard. The guardian with his legal position is the person who is obligated to administer and monitor the thing because of his legal authority over the right, and this right must be legitimate, whether this right is personal or in kind and relates to the thing. It is also required that his right be derived from one of the sources of rights, such as law, contract or any other source, and he must take all precautionary measures to ward off any possible harm to others as a result of using the thing. If the guardian is unaware of the technical matters related to the thing, he does not lose his capacity as a legal guardian as long as he exercises his right to direct and control the thing, then the guard's exercise of his legal authority is sufficient to prove the guard without actually starting it.

Also, the legal guardian's responsibility is directly due to the legal authority he possesses for the harm suffered by others, and he does not shirk from this responsibility in the event that something is lost or lost from his hand, as a guard according to the law (9).

Fourth: Economic guarding: economic guardianship of the owner of the thing and the direct beneficiary of it is established. Whoever possesses the protection of the economic benefit; whoever has the effective authority over the thing is responsible for it and bears responsibility for any damages that can result from the thing. The basis of the objective responsibility is the idea of assuming dependency according to the opinion of the owners of this theory (10).

In guarding the thing, the error is the basis of responsibility under this theory (11). The mistake is the opposite of righteousness, so whoever follows an incorrect path is described as wrong, whether that course is intended or unintended, and this wrong jurisprudence was defined as: "a deviation in behavior that cannot be committed by a person who is vigilant and insightful and found in the same circumstances in which he who committed the error "(12).

The researcher believes that the most appropriate theories are those that establish responsibility for doing something based on error, because that is consistent with the spirit of legislation, which depends on determining responsibility on personal error and regardless of whether it is assumed or the duty of proof.

Results:

It can be said that the civil liability arising from the electrocution cases of electricity companies is related to the fact that dealing with electrical installations has a close relationship with individuals and groups, and how they are used and dealt with these instances that make them subject to responsibility. The researcher reached the following results:

The Jordanian legislator establishes responsibility for the personal act on the basis of the harm and not on the idea of wrong.

1) The Jordanian Civil Code takes the narrow concept of things, whereby the concept of something is limited to non-living things that are dangerous and whose guarding requires special care to prevent harm.

2) The Jordanian judiciary took the principle of actual guarding of something and not legal guarding in its establishment of the responsibility for guarding the thing as a basis for the responsibility of electric companies for stun cases

3) The Jordanian Civil law establishes the responsibility of the electricity companies as guardians of their electrical installations, which require special care to prevent damage to infringement and assumed responsibility but are capable of proving the opposite.

4) The Jordanian legal system needs to have individual provisions that address civil liability for things in the General Electricity Law as a special law that applies to all electricity companies in the Kingdom.

5) The legal text related to civil liability in Jordanian law (Article 257/2) needs to be reformulated to become “(if by direct action it is necessary to guarantee, and there is no requirement for it and if it occurred causing the infringement, it is required that the act be intentional or that the act is conducive to harm)”. And the text of Article 291 to become (whoever is a guard for things at his disposal that requires special care to prevent harm or mechanical machinery is a guarantor of the damage caused by these things, unless the guard proves that the damage occurred due to a foreigner).

6) There is a need to find a special standard to distinguish between responsibility for personal action and responsibility for things that require special attention.

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