

The Tort Liability of Juristic Person as a Corporation

Tsung-Fu Chen^{*}

Abstract

The legal basis of juristic persons under Taiwanese law is article 28 of the Civil Code according to the leading court decisions and law scholars. Juristic persons may be also held liable under article 188 of the Civil Code if they are the employers provided under this article. At the same time, the Taiwanese Supreme Court denies article 184 to be the basis of tort liability for juristic persons.

Nonetheless, all of Japanese law, German law, and the Principles of European Tort Law confirm that juristic persons shall be held liable for tort due to their own wrongful actions under the provisions equivalent to article 184 of the Civil Code.

This article argues that juristic persons shall be held liable for their own wrongful actions, no matter whether their representatives or employees are individually held liable. Article 184 shall be a ground for juristic persons to compensate the injured if they have done something wrong.

Keywords: juristic person tort liability, liability of juridical persons, corporate liability, organizational liability, enterprise liability, vicarious liability, Japanese law, German law, European Tort Law

^{*} Professor of Law, College of Law, National Taiwan University.
E-mail: congfu@ms6.hinet.net