

Developments in the Law in 2012: Civil Law

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Abstract

The Supreme Court declared many important judgments that had great impact on the legal theories of the civil law in 2012. They featured some key issues as follows.

1. Newly developed doctrine: The Court holds that a contract is void where the “attached document” indicating the distribution of properties is absent when it is entered into.

2. Revision of former doctrine: The Court holds that the juridical act can be done by an agent acting without its authority even if it gets involved in a wrongful act.

3. New doctrine distinct from legal theory: The Court holds that the statute of limitations for the claim on damages due to the impossibility of performance gets start to run from the time when the performance becomes impossible.

4. New interpretation on the doctrine of good faith: The Court holds that it was not in violation of good faith where the plaintiff made a claim against the defendant even if 27 years had elapsed since the plaintiff made a claim last time.

5. Protection of consumer’ s rights: The Court holds that a member of a golf club is entitled to terminate a contract at any time and to claim the recovery of his membership deposits paid since such a contract is a continuous service contract without specific duration of time.

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