



THE CONTENT AND SPECIFIC FEATURES OF THE LEGAL INSTITUTION OF TORT LAW

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Abstract

This article scientifically analyzes the theoretical foundations of tort law and its role in the system of civil liability. It covers the legal nature of negligent and intentional offenses, their main elements - the duty of care, violation of this duty, causal connection, and the existence of damage. It also reveals the importance of tort law in protecting personal non-property and property rights, the content of the mechanism for recovering damages, and its role in ensuring justice and balance in civil transactions. The article summarizes the importance of tort law in the modern legal system and its role in regulating legal relations.

Keywords: tort law, civil liability, negligence, intentional offense, duty of care, damage, legal liability.

INTRODUCTION

In the modern legal system, the protection of individuals' property and non-property rights holds particular importance. As social relations become more complex, economic interactions expand, and legal relationships between individuals increase, disputes related to causing harm are becoming more frequent. From this perspective, tort law serves as an important institution of civil liability, aimed at compensating for damages caused by unlawful acts and restoring violated rights.

Tort law is especially significant because it establishes the standards of liability in cases involving negligence and intentional wrongful acts. Elements such as the duty of care, breach of that duty, causation, and the existence of damage form the theoretical foundation of this institution. The purpose of this article is



to analyze the theoretical essence of tort law, scientifically examine its main elements, and determine its role within the system of civil liability.

Recently, this institution has also begun to attract attention within the lawmaking process of the Republic of Uzbekistan. In particular, during the session of the Legislative Chamber held on April 7, proposals were discussed concerning the introduction of technical requirements based on building categories, including the prohibition of combustible construction materials and the implementation of the tort law institution, which предусматривает compensation for fire-related damages and the recovery of additional compensation from the guilty party. This demonstrates the necessity of exploring the theoretical and legal foundations of this institution [1].

METHODOLOGY

This research is based on both general scientific and specialized legal research methods. During the study, methods such as analysis and synthesis, induction and deduction, a systematic approach, and comparative legal analysis were employed. The legal foundations of tort law were examined through the study of normative legal acts, while its doctrinal aspects were generalized on the basis of scientific literature and theoretical sources. Furthermore, the interrelationship between the elements of civil liability was revealed through systematic analysis. The research methodology served to comprehensively examine both the theoretical and practical aspects of tort law and to determine its place within the system of civil law.

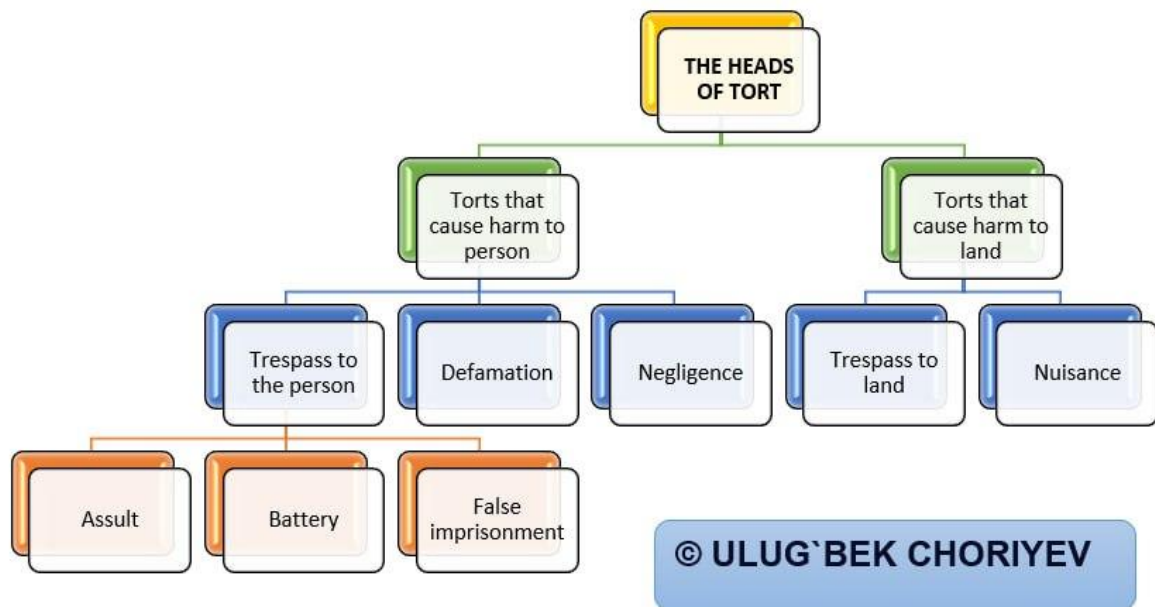
RESEARCH RESULTS

Tort law, that is, the law of civil wrongs, is a system of legal norms establishing civil liability for harm caused to another person as a result of an unlawful act or omission. This institution regulates obligations arising outside contractual relationships and serves to restore violated rights. The term “tort” originates from the Latin word *tortum* (“twisted” or “wrong”), which legally refers to wrongful conduct [2].

The range of interests protected by civil law is broad and diverse, including the protection of bodily integrity, mental well-being, economic interests, property interests, reputation, privacy, and commercial interests.

Legal scholar Percy Henry Winfield defines a tort as “a wrongful act giving rise to the right to claim compensation for harm caused to another person” [3]. Another scholar, John Salmond, regarded tort as a source of civil liability independent of contractual relations [4].

In order to provide a general understanding of tort law, the following diagram is presented [5]:



As can be seen from the diagram, there are three main categories of torts that cause harm to individuals.

The first category is trespass to the person, which involves causing physical harm to an individual. Threatening a person with immediate physical harm constitutes the tort of assault. Actually inflicting physical harm upon another person is referred to as battery. Unlawfully restraining a person in a particular place without their consent is known as false imprisonment, meaning the unlawful deprivation of personal liberty. All of these torts are generally classified under the category of “trespass to the person.”



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Another category is defamation, which refers to making negative statements about a person that damage their reputation. In other words, it occurs when spoken or written statements create a negative impression of someone in the minds of others. Defamation appears in two forms. Libel refers to defamatory statements expressed in permanent form, such as in books, newspapers, or written publications. Slander, on the other hand, refers to temporary forms of defamatory statements, such as harmful remarks made during ordinary conversation.

Negligence refers to causing harm to another person due to a failure to exercise sufficient care. Under tort law, if a person can reasonably foresee that their actions may cause harm to others, they are under an obligation to act carefully. Legal scholars describe this obligation as the duty of care [6]. Today, negligence is considered one of the most common grounds for claims in tort law.

Another separate category consists of torts related to damage caused to land or immovable property. These torts are aimed at protecting a property owner's right to freely and lawfully use their land. One of the principal torts in this category is trespass to land. This tort occurs when a person unlawfully enters another individual's property or uses it without legal authorization. In such cases, actual damage is not always required; the unauthorized entry itself is sufficient to constitute a tort.

Another important tort related to land is nuisance. Nuisance occurs when one person's actions interfere with another person's normal use and enjoyment of their property. Examples may include excessive noise, harmful smoke, unpleasant odors, or environmental pollution. The key characteristic of this tort is that it restricts or disturbs the lawful use of property.

Other legal sources also classify tort law into the following categories:

1. Intentional torts;
2. Negligence;
3. Strict liability.

Intentional torts are situations in which a person consciously commits an act that causes harm or damage, fully understanding the consequences of their actions. Examples of intentional torts include threats and assault, battery,



unlawful interference with property, defamation, invasion of privacy, trespass to land or property, and similar acts.

The case of Johnny Depp v. Amber Heard serves as an example of a court case involving an intentional tort. Depp filed a defamation lawsuit against Heard following an article published in The Washington Post, in which she described herself as a victim of abuse [7]. In this case, heard in Fairfax in 2022, Johnny Depp brought a defamation claim against his former spouse Amber Heard. This constituted an intentional tort, meaning a deliberately committed civil wrong.

In intentional tort cases, the following elements are significant:

1. The act must have been committed intentionally;
2. The information must be false or misleading;
3. The information must damage the person's reputation;
4. Damage or harm must exist.

During the trial, the jury ruled in favor of Johnny Depp and determined that the statements published by Amber Heard constituted defamation.

Another American legal scholar, Oliver Wendell Holmes Jr., emphasized that tort liability serves as a mechanism for managing social risks and shaping standards of reasonable care within society [8]. These scholarly approaches form the theoretical foundation of tort law.

The second major category of tort law is negligence. This type of wrongdoing occurs when a person does not intentionally seek to cause harm, and it constitutes one of the broadest and most common areas of tort law. In negligence cases, intentional harm is not required; rather, the key issue is whether the defendant failed to exercise the level of care expected from a reasonable person and whether such conduct caused harm to the claimant.

The primary elements of negligence are as follows:

1. The existence of harm or the risk of harm — there must be a possibility that a person could suffer damage as a result of the conduct;
2. Breach of the standard of care — the defendant failed to demonstrate the level of caution expected from a reasonable person;
3. Causation — there must be a direct connection between the negligent act and the harm caused;



4. Damage to the claimant — material or non-material harm must have occurred as a result of the wrongful conduct.

Cases involving negligence cover various fields and are commonly associated with personal injuries, workplace accidents, traffic collisions, and medical malpractice. Examples include slip-and-fall accidents, automobile accidents, pedestrian accidents, medical errors, and similar situations.

At the beginning of the twentieth century, liability in English tort law was largely connected to contractual relationships. If no contract existed between the parties, the issue of liability became considerably more complicated, even when harm had clearly occurred. However, the 1932 case of *Donoghue v Stevenson* fundamentally transformed this approach and laid the foundation for the modern doctrine of negligence [9].

In 1928, May Donoghue consumed a ginger beer purchased by her friend at a café in Paisley, Scotland. Inside the bottle was a dead snail, which allegedly caused harm to her health. The crucial aspect of the case was that the injured party had not personally purchased the drink and therefore had no direct contractual relationship with the manufacturer. Nevertheless, she brought a legal claim against the manufacturer seeking compensation for the harm suffered.

The case was heard by the House of Lords, which at that time served as the highest court in the United Kingdom. By a majority decision, the court concluded that a manufacturer owes a duty of care to consumers. During the proceedings, the legal reasoning advanced by Judge Lord Atkin became particularly significant. He formulated the “neighbor principle,” which later became one of the foundational doctrines of modern negligence law.

According to this principle, a person must take reasonable care to avoid acts or omissions that could reasonably be foreseen as likely to cause harm to others. In this context, the term “neighbor” does not refer merely to people living nearby, but rather to any person who may foreseeably be affected by one’s conduct. This principle established the duty of care as a general rule of negligence liability and marked a new stage in the development of precedent within tort law.



Strict liability represents the third major category of tort law. Under this doctrine, the intention or level of care exercised by the person causing harm is irrelevant. In other words, once harm has occurred, liability arises automatically, even if the defendant took all possible precautions. For this reason, strict liability is widely applied in cases involving dangerous activities or hazardous products [10].

Strict liability commonly arises in the following areas:

1. Dangerous activities — such as handling explosives, operating heavy industrial equipment, or engaging in highly hazardous work;
2. Product liability — harm caused to consumers due to defective or dangerous products manufactured or sold by producers or sellers;
3. Animal-related harm — damage caused by the natural behavior of animals;
4. Environmental damage — cases involving pollution or harm to natural resources, such as industrial waste contamination.

The primary purpose of strict liability is to ensure public safety and compel individuals or organizations engaged in hazardous activities to prevent harmful consequences. At the same time, this concept strengthens the protection of citizens and consumers because, in cases where harm occurs, the claimant is not required to prove the defendant's intent or negligence.

The case of *Klein v. Pyrodyne* is considered a significant example of judicial practice concerning strict liability and product liability [11]. The incident occurred when a public fireworks display organized by Pyrodyne Corporation was improperly conducted, resulting in injuries to William and Katherine Klein. The plaintiffs, the Kleins, sought compensation from the company through the courts for the damages they suffered. The central legal question was whether Pyrodyne could be held liable under the doctrine of strict liability for engaging in an abnormally dangerous activity, even without proof of negligence.

The Washington Supreme Court considered several factors in determining whether the activity was abnormally dangerous:



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1. The activity involved a high degree of risk;
 2. The risk could not be eliminated even through the exercise of reasonable care;
 3. Such activities are uncommon and require special conditions for their performance.

In its decision, the court emphasized that fireworks displays create a serious risk of harm and that the public cannot fully control such dangers. Therefore, the activity satisfied the criteria for strict liability. The court ruled in favor of the Kleins and held Pyrodyne Corporation strictly liable.

The case of *Klein v. Pyrodyne* remains a leading judicial precedent concerning the application of strict liability in Washington State and throughout the United States. The decision influenced subsequent cases involving hazardous materials, explosives, and other highly dangerous activities. It also demonstrated the willingness of courts to impose liability in order to ensure public safety.

Main Elements of Tort Law

In any tort case, the claimant must prove the following four essential elements in order to recover damages from the defendant:

1. **Duty of Care** — The defendant must owe a legal duty to the claimant. This means that the law recognizes a relationship in which the defendant is expected to act with reasonable care toward the claimant.
2. **Breach of Duty** — The defendant must have breached that duty by failing to meet the required standard of reasonable care. This is assessed according to how a reasonable person would have acted under similar circumstances.
3. **Causation** — There must be a direct connection between the defendant's breach of duty and the harm suffered by the claimant.
4. **Damages** — The claimant must have suffered material or non-material harm as a result of the defendant's breach.

These elements form the fundamental standard for determining liability in tort cases, and courts must analyze each element separately when making decisions [12].



FOREIGN EXPERIENCE

Tort law has developed differently across various countries.

In the United Kingdom, tort law constitutes an important branch of civil law and regulates situations involving harm caused between individuals. Tort law establishes mechanisms for determining liability and awarding compensation when wrongful conduct occurs in disputes involving individuals, organizations, or public authorities.

In the United Kingdom, tort law has primarily developed through case law and judicial precedent. Courts issue decisions based on previously decided cases, thereby shaping the principles and rules of tort law. For this reason, British tort law is widely studied as a model in many other precedent-based jurisdictions, including Australia, Canada, and India.

Tort law in the United Kingdom also serves as an important legal mechanism for regulating various social relations, including personal injuries, property and non-property damage, medical malpractice, and traffic accidents. This institution not only resolves disputes between individuals but also contributes to ensuring public safety and strengthening justice within society.

In India, tort law has also developed on the basis of British precedent law, since the country remained under the British colonial system for a long period of time. Indian courts actively apply the doctrines of negligence, intentional torts, and strict liability. When resolving cases involving personal injuries, road traffic accidents, and medical malpractice, the higher courts of India rely not only on British judicial precedents but also on national legislation.

New Zealand, on the other hand, has developed a distinctive model in which many personal injury claims are resolved through a state compensation system. This mechanism serves to reduce the burden on courts and ensure faster compensation payments.

In general, although the development of tort law in different countries depends on historical and social factors, its core principles — liability for harm, duty of care, and fair compensation — possess universal significance.



CONCLUSION

Tort law holds significant importance as a legal institution that regulates civil wrongs between individuals, ensures civil liability, and protects persons who have suffered harm. The three principal categories of this institution — intentional torts, negligence, and strict liability — make it possible to determine situations involving harm based on a person’s conduct and intent, while also establishing the appropriate legal responsibility.

In tort cases, the fundamental elements of duty of care, breach of duty, causation, and damages form the foundation of judicial decisions and provide a scientific basis for analyzing wrongful conduct. While intentional torts involve deliberate actions by an individual, negligence covers careless conduct arising in everyday life, and strict liability serves to regulate harm resulting from highly dangerous activities or defective products.

Thus, tort law not only protects individual rights but also establishes mechanisms for ensuring justice in social relations, strengthening public safety, and preventing harm. Its principles and institutions play a central role in maintaining the stability of the modern civil law system and resolving disputes between individuals.

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