

Differentiation of the case, irresistible force and force majeure

*Sergiy Chornyy, Student of Institute for post-graduate students
Kyiv National Taras Shevchenko University
Cherny76@hotmail.com*

Research Methodology: in result of the systematical analysis of legal categories irresistible force, a case and force majeure, the generalization of judicial practice and comparison of these categories in the research were formulated criteria for differentiation of the grounds for exemption from civil liability.

Results: case, irresistible force and force majeure were legally defined, the signs and legal nature of grounds for exemption from civil liability on the grounds of specific were defined criteria for their separation were provided.

Novelty: The author proposed to divide the legal category of “case” and “force majeure” on the basis of objectivity, scope, inevitability and predictability. Circumstances of force majeure and cases are settled by different way of legal securing – by law or contractual.

Practical significance: consists in the need to allocate characteristic signs such legal category as the case, irresistible force and force majeure in order to provide grounds for a legal position of subjects of civil relations and establishing principles of evidence for exemption from civil liability for breach of obligations.