

Introduction to Korean Civil Law

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- Law of Obligations -

<Title 1 Introduction>

<Title 2 General Principles of Obligations>

Chapter 1 Effects of Obligations

I. Meaning of Non-performance

1. Basic concepts
2. Types of non-performance
 - (1) Delay of performance and impossibility of performance
 - 1) *"As representative types"*
 - 2) *Elements of delay of performance*
 - 3) *Elements of impossibility of performance*
 - (2) Incomplete performance

II. Sanctions for non-performance

1. Specific performance
 - (1) Concepts
 - (2) Types
 - (3) Order of specific performance and relationship to damages
2. Liability sanctions : damages
 - (1) Significance
 - (2) Prerequisites
 - 1) *Presence of damages*
 - 2) *Fault*
 - 3) *Illegality*
 - 4) *Causation*
 - (3) Effects : Compensation for damages
 - 1) *Method of compensation for damages*
 - 2) *Scope of compensation for damages*
 - 3) *Calculation of damages*
 - 4) *Liquidated damages*
 - 5) *Subrogation of the compensating parties*

3. Substitution

4. Cassation of contract : Termination and rescission

(1) Meaning

(2) Rescission

1) Causes of rescission right

2) Lapse of rescission right

3) Effects of rescission

(3) Termination

III . Obligee's delay

IV . Interference with Obligations by 3rd Parties

V . Preservation of liability property

1. Obligee subrogation

(1) Concepts

(2) Prerequisites

1) Substantive prerequisites

2) Procedural prerequisites: exercising subrogation right

(3) Effects

2. Obligee Cancellation

(1) Concepts

(2) Prerequisites

(3) Exercise

(4) Effects

Chapter 2 Object of Obligations

I . Real obligations

II . Obligation-rights in species

III . Monetary obligations

IV . Interest obligations

V . Alternative obligations

Chapter 3 Lapse of Obligations

I . Lapse satisfying the obligee

1. Discharge

(1) Concepts

- (2) The parties to discharge
 - 1) *Discharging party*
 - 2) *Discharge beneficiary*
- (3) Object of discharge
- (4) Tender of discharge
- (5) Appropriation of discharge

2. Accord and satisfaction
3. Public deposit
4. Set-off

II . Lapse unrelated to satisfaction of the obligee

1. Novation
2. Waiver
3. Confusion

Chapter 4 Assignment of Obligations

I . Assignment of obligation rights

1. Assignment of nominative obligation rights
 - (1) Transferability of nominative obligation rights
 - (2) Defense to assignment of nominative obligation rights
2. Assignment of securities-based obligation rights

II . Assumption of obligations

1. Concepts
2. Parties to acquisition of obligations
3. Institutions similar to acquisition of obligations

Chapter 5 Multi-party obligations relations

I. Divisible obligations

II. Indivisible obligations

1. Concepts
2. Indivisible obligation rights
3. Indivisible obligation

III. Joint obligations

1. Concepts
2. External effects
 - (1) Performance of joint obligations
 - (2) Effects of change of status in one joint obligor
3. Internal effects: Reimbursement
 - (1) Prerequisites to reimbursement
 - (2) Limitation on reimbursement
 - (3) Allocation of risk of insolvency
 - (4) Waiver of guaranty and reimbursement

<Title 3 Contracts>

Chapter 1 Contracts in general

I. Types of contracts

II. Formation of contracts

1. How contract is formed
 - (1) Principal ways of contract formation
 - (2) Special ways of contract formation
2. Negligence in contract formation

III. General effects of bilateral contracts

1. Performance-relatedness : Concurrent performance
 - (1) Defense of concurrent performance
 - (2) Other manifestations of relatedness
2. Existence-relatedness : Risk of loss

IV. Contracts for third parties

Chapter 2 Specific contracts

I. Gift

II. Sale and purchase

1. Concepts
2. Legal issues concerning formation
3. Effects
4. Repurchase

III. Exchange

IV. Consumptive lease

1. Concepts
2. Duties of lessor
3. Duties of lessee: duties to return the object of contracts
4. Lapse and rescission of consumptive lease

V. Use lease

1. Concepts
2. Duties of lessor
3. Rights and duties of lessee

VI. Rent lease

1. Concepts
2. Effective period
3. Rights and duties of parties
4. Assignment of lease rights and sublease
5. Leases per special laws

VII. Employment

VIII. Subcontracting

1. Concepts
2. Effects
3. Termination

IX. Travel contracts

X. Reward advertisement

XI. Delegation

XII. Bailment

XIII. Partnership

1. Concepts
2. Administration of partnership business
 - (1) Internal business
 - (2) External business
3. Property relations of partnership
 - (1) Partnership properties: 합유
 - (2) Fidelity to partnership properties
 - (3) Responsibility to partnership liabilities
4. Resignation of partners
5. Termination of partnership: dissolution and liquidation

XIV. Life time periodical payment contracts

XV. Reconciliation

<Title 4 Statutory obligations>

Chapter 1 Introduction

Chapter 2 Undertaking

I. Meaning

II. Prerequisites

III. Effects

1. Duties of undertakers
2. Duties of principal

Chapter 3 Unjust enrichment

I. Meaning

II. Prerequisites

1. Profit
2. Loss
3. Causation between loss and profit
4. Absence of legal justification for profit

III. Effects

1. Method of return
2. Scope of return

IV. Special provisions on unjust enrichment

1. Gratuitous discharge
2. Tender for illegal cause

Chapter 4 Torts

I. General

II. Prerequisites

1. Damage
2. Illegality
3. Fault

III. Effects: compensation for damages

1. Claimants, scope, and method of compensation for damages
2. Calculation for compensation for damage
3. Period of limitation on damage claims

IV. Special torts

1. Supervisor's liability
2. Employer's liability
3. Facility occupier/owner's liability
4. Liability for animals
5. Joint torts