

Compensation for moral damage for legal persons and factors affecting it

Comparative study

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Abstract

This study addresses the issue of Compensation for moral damages for legal persons and factors affecting it through a comparative study of several laws and legislation and to highlight the importance of Compensation for moral damages , the conditions and forms thereof , and to distinguish it from material damage .

The study also addresses the extent of the legal person's entitlement to Compensation for moral damages , the factors affecting this , Additionally , a study of the criteria , bases and factors affecting the assessment of compensation and the party and type is presented .

This study finds that jurisprudence and precedent have given the legal person the right to Compensation for moral damages , similarly to a natural person and this is confirmed by legal scholars in addition to the legal opinion stemming from Islamic jurisprudence .

This is what came in the provisions of comparative laws , including the Jordanian , French , Egyptian and Iraqi laws , for example article (256) of the Jordanian civil code clearly stipulates that " every injurious act to others shall render its perpetration liable for damages even if he is a non-discerning person".

However , the problem is that the judicial bodies in the Jordan , Egypt and Iraq have not recognized this and have rejected awarding moral damages to legal persons , relying on general legal provisions . In other words , while Egyptian , Iraqi and Jordanian legislation allowed legal persons the right to compensation for moral damage , the judiciaries in these countries have failed to apply this legislation .

The study concludes that moral damage is the result of the infringement of an intangible and can be traced back to certain situations , affecting honor , dignity , reputation and status.

Compensation for moral damage to the legal person and the implementation of the provisions related thereto is the highest form of justice and is deters any person/entity from committing actions in contravention of the provisions . It additionally highlights the judiciary's implementation of these provisions and the strength of the executive agencies in enforcing the judgments of the judiciary .