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Distinction Between Acts and Omissions

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Abstract

The purpose of this article was to distinguish acts and omissions. After reviewing all the predominant criteria, the author proposed to define acts and omissions from the perspective of the interaction between persons. That is, an act means the exportation of risk from one's field of rights to another, whereas an omission refers to the non-elimination of existing risk in other's field of rights. These definitions do not rely on the empirical phenomena; therefore they can solve the difficult cases, where one single activity could be interpreted in different ways.

Keywords: Act, Omission, Distinctions Between Acts and Omissions, Guarantor's Position, The Wrong

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