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CONCEPT AND CHARACTERISTICS OF THE SOURCE OF INCREASED DANGER

The article provides an analysis of existing views regarding the interpretation of the nature of the source of increased danger. It is noted that in the science of civil law there is no common understanding of the source of increased danger regarding what should be considered as this source: the subject or activity – as well as an explanation of what causes a strict liability of the owner of such a source for harm caused by it. Theoretical pendency of these problems creates some difficulties in the enforcement of relevant regulations.

The most typical signs of source of increased danger are: a) the impossibility of complete human control; b) the pres-

ence of harmful properties; a) the probability of harm.

Thus, for a comprehensive characteristics sources of increased danger should be considered as an activity that is not separated from the objects of this activity (including it's dangerous properties), but rather, they are joined to form the subject of legal regulation of non-contractual relations of owners of sources of increased danger, connected with harm. Therefore, the notion of sources of increased danger should be viewed as a combination of two elements: 1) material object; and 2) activities of its use –features of which within the existing level of science and technology exclude the possibility of full control by a person and create increased danger to others.