Rodna Živkovska[*]
Tina Pržeska[**]
Milica Šutova[***]

THE ROLE OF LEGAL FACTS IN THE CREATION, MODIFICATION AND TERMINATION OF CIVIL LAW RELATIONS

Abstract

The paper presents legal facts and analyzes their impact on civil law relations. It is guided by the generally accepted division of legal facts in the legal science – the division of events and human actions. Also, the special category of legal facts - the will of the state bodies expressed in the specific legal acts, is taken into consideration.

The analysis of the impact of legal facts on civil law relations is executed in three specific points and covers three categories of legal facts. The first point analyzes the impact of the most significant events in civil law: birth, age, expiration of the legally prescribed deadline, disease, intellectual disability, death, force majeure, conclusion of marriage and adoption. The second point covers the analysis of the impact of human actions as legal facts on civil law relations. The two separate categories of human actions are presented individually i.e. legal human actions (declarations of will and actions in accordance with the law) and illegal human actions (torts). The third point presents the impact of the will of the state bodies and how it affects the civil law relations, i.e. the obtainment and the termination of the civil subjective rights. The analysis is executed through several administrative procedures in which the civil subjective rights are obtained or lost under the influence of the will (acts) of the state bodies.

Keywords: *civil law, property relations, civil subjective rights, legal facts, legal acts, declaration of will, torts*

I. PREFACE

Civil law relations, by nature, are property relations that enable the movement (trade) of values as a result of the transfer of civil subjective rights (real rights, contractual rights and inheritance rights) from one subject to another. The movement of values is generally linked to the creation of the civil law relations, but may also result from modification or termination of the civil law relations.

[*] Rodna Živkovska, PhD., Full Professor, Ss. Cyril and Methodius University in Skopje, Iustinianus Primus Law Faculty. e-mail: r.zivkovska@pf.ukim.edu.mk
[**] Tina Pržeska, PhD., Full Professor, Ss. Cyril and Methodius University in Skopje, Iustinianus Primus Law Faculty. e-mail: t.przeska@pf.ukim.edu.mk
[***] Milica Šutova, PhD., Assistant Professor, Faculty of Law University "Goce Delcev" Stip, Republic of North Macedonia. e-mail: milica.sutova@ugd.edu.mk

For the creation, modification or termination of a civil law relation, three constitutive elements must exist: there need to be legal subjects (natural persons or legal entities), there needs to be an object (things, human actions or inheritance) and there needs to be a legal fact. Subjects are the first constitutive element of civil law relations. They are the parties in civil law relations and they are the holders of the rights and obligations that arise from those relations. The second constitutive element is the object of civil law relations i.e. the thing in connection to which, a certain civil law relation is created. The object of civil law relations are things, human actions or inheritance. The nature of the object determines the nature of the relation. In this sense, things are the object of property relations, human actions are the object of obligations, and inheritance is the object of inheritance law relations. Legal facts are the third constitutive element of civil law relations. They are the objective circumstances recognized by the law, under whose influence civil law relations are created, modified or terminated.

Legal facts, which are present in the legislation in abundance, differ in type and have a varying impact on civil law relations. The objective of the analysis given in this paper is to evaluate the impact that certain legal facts have on civil law relations.

The types of legal facts and their impact on the creation, modification and termination of civil law relations will be presented by way of grouping legal fact in accordance to the generally recognized basic division of legal facts into events and human actions[1]. In addition, the special category of legal facts - the will of the state bodies will be analyzed as well.

The paper consists of three points: Events as legal facts and their impact on civil law relations (point 1), Human actions as legal facts and their impact on civil law relations (point 2) and the will of the state bodies as a legal fact and its impact on civil law relations (point 3).

II. EVENTS AS LEGAL FACTS AND THEIR IMPACT ON CIVIL LAW RELATIONS

As legal facts, *events*, represent external objective circumstances that are created independently of the will of the legal subjects. Among the most significant events that lead to the creation, modification or termination of civil law relations are: *birth, age, expiration of the legally prescribed deadline, disease, intellectual disability, death, force majeure (flood, fire, earthquake, etc.) conclusion of marriage and adoption.*

As a legal fact, *birth* is related to the acquisition of passive legal capacity[2] according to the Law on Obligations[3]. By birth, natural persons emerge as a legal subject that can potentially have rights and obligations in civil law. In that sense, birth as a legal fact affects all civil law relations since it is the moment when natural persons gain the legal capacity to potentially participate as parties in any civil law relations. This legal fact also impacts the ability to inherit, which according to the provisions of the Law on Inheritance[4], is attributed only to a person that is alive at the moment of opening of the inheritance (Article 122, paragraph 1). Inheritance rights of unborn children are recognized but only if they are conceived before the death of the father and under the condition that they are ultimately born alive. This means that even if the legal fiction for nasciturus (lat.) occurs, the inheritance rights are realized only if the conceived child is born alive (Article 2, Ibid). Under Macedonian law, posthumously conceived children, unfortunately, have no inheritance rights.

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[1] See more: D.Popov., *Građansko pravo (opšti deo), Petto, izmenjeno I dopunjeno izdanje, Novi Sad, (2007) p.177-179, R.Kovačević Kuštrimović, Građansko pravo (opsti deo),* Nis (1995), p. 140-141.

[2] "*The natural person acquires legal capacity at the moment of his/her birth, while the legal entity acquires it at the moment of its creation, which is regulated by a special law".,* art.45-a, par. 2, Law on Obligations.

[3] Official Gazette of RM, no.18/01.

[4] Official Gazette of RM, no.47/96.

Age as a legal fact is linked to the ability of natural persons to independently undertake certain legal actions. In that sense, by the age of 14 natural persons become liable for caused damages, by the age of 15 they are capable to draft a will, by the age of 16 they can ask the court for permission to get married, by the age of 18 they gain full active legal capacity, etc.

The expiration of the legally prescribed deadline as a legal fact also impacts civil law relations. According to the Law of Ownership and Other Real Rights, the 3 year deadline, along with other facts, leads to usucapio[5]. The expiration of the 30-day deadline upon receiving the sales offer with no response on part of the holder of the pre-emption right leads to the termination of this right.[6] According to the Law on inheritance, after the expiration of the 3-year deadline from the proclamation of the will, a reduction in the disposition of the will cannot be requested.

Disease is a legal fact that can affect the obtainment and exercise of civil law rights. In the Law on Obligations, a disease may lead to the inability of the fulfilment of the obligations in the contractual relations where the obligations can only be fulfilled by the debtor himself/herself. Disease as a legal fact may also lead to a complete or partial loss of active legal capacity[7].

Intellectual disability leads to a total or partial deprivation of the legal capacity and the lack of a sound mind.

Upon *death* personhood of a natural person ceases, while others obtain inheritance rights. With the death of a spouse, the spouses' joint ownership ceases and the joint ownership of the inheritors is created.[8] With the death of the debtor, the obligations that only he/she could fulfil, cease to exist.

Force majeure in a narrow sense of the word is defined as a future unpredictable natural event (divine act - flood, earthquake, etc.). In a broad sense of the word, the term force majeure also includes those events that are influenced by the human will (war, terrorist attacks, riots, strikes) and that are beyond the control of the holders of civil law rights and obligations.[9] The legal theory establishes the existence of force majeure as a legal fact through three basic criteria regarding the event: a) *to be the result of external action*, b) *to be unpredictable and* c) *to be out of the control of the holders of civil law rights and obligations*. The first criterion (the event being the result of an external action) implies that the force majeure must not be caused by the holder of the civil law rights who refers to the occurrence of force majeure. The second criterion (the event being unpredictable) implies that the holders of civil law rights cannot foresee its occurrence at the moment of entering into civil law relations. The third criterion (the event being out of the control of the holders of civil subjective rights) implies that the holders of civil law rights can in no way avoid or influence the prevention or mitigation of the consequences that arise as a result of the force majeure.[10]

In the legal system of the Republic of North Macedonia, force majeure as a legal fact is stipulated in several provisions of the Law on Obligations: termination of the contractual relationship when the fulfilment of the obligation by one of the parties of a two-party agreement

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[5] See: art. 124, Law on ownership and other real rights, Official Gazette of the Republic of Macedonia no. 18/01.

[6] "*If the co-owners of the thing who are offered the co-ownership part, do not declare that they accept the offer within 30 days of the announcement in the written proposal referred to in paragraph 1 of this Article, the co-owner may sell its co-ownership part to another person"*, art 33 (2), Ibid.

[7] See: art 34, Law on Extrajudicial Procedure. Official Gazette of the Republic of Macedonia no.9/08.

[8] "*The inheritors who have not waived their inheritance shall be joint owners until the inheritance decision becomes enforceable"*, art.82, Law of Ownership and Other Real Rights.

[9] More about force majeure in P.J. Mazzacano, *Force Majeure, Impossibility, Frustration & the Like: Excuses for Non-Performance; the Historical Origins and Development of an Autonomous Commercial Norm in the CISG*, Nordic Journal of Commercial Law, 2011/2, p. 4.

[10] Regarding the avoidance or mitigation of the consequences from the occurrence of the force majeure as a legal fact, it is indicated that the holder of the obligation will not be released from liability for damages, if he/she could, but did not do anything to prevent or at least mitigate the consequences of the event. For this see: Ibid

has become impossible (Article 126, paragraph 1), termination of the lease agreement if the leased thing has been destroyed as a result of an event of force majeure (Article 601, paragraph 1) etc.

Conclusion of marriage and *adoption* are included in the events as types of legal facts by the civil law doctrine, even though the will of the legal subjects influenced their creation (the will of the spouses to get married, the will to adopt a child). The reason for this is the fact that these legal facts are recorded in the registry books and are effective against everyone (erga omnes).

- As a legal fact, the conclusion of marriage affects the obtainment of civil law rights. To be more exact, all property that the spouses acquire during the marriage is subject to a special legal regime - joint property of the spouses.[11]

- Besides leading to the establishment of parental rights and obligations for the adoptive parent, *adoption* as a legal fact, also impacts the civil law relations, because adoption (if it is closed) establishes the same legal relations as birth,[12] which means that the adopter and the adoptee have mutual inheritance rights.[13]

The common thing about these events is that they as legal facts, are created independently of a person's will and are most often spontaneous and unpredictable. The legal subjects cannot control or avoid them. As it stands, the events as legal facts, impact the creation, modification and termination of civil law relations. However, in the legal world, human actions have a greater significance for the creation, modification and termination of civil law relations, since most civil law relations arise as a result of human actions.

III. HUMAN ACTIONS AS LEGAL FACTS AND THEIR IMPACT ON CIVIL LAW RELATIONS

Civil law relations are created primarily as a result of the actions of the natural persons which are defined as human actions in the civil law.

In the broadest sense of the word, human actions are defined as "human activities that lead to changes in the external objective world and that the legal order prescribes as legally relevant circumstances that lead to the creation, modification or termination of civil law relations."[14]

Bearing in mind the subjective attitude of the doer of the action towards the action itself, human actions can be distinguished into *human actions in a broad sense and human actions in a narrow sense of the word* (actions in accordance with the law).

Human actions in a broad sense are those actions in which the will of the subject regarding the creation, modification or termination of the civil law relation is undisputed. Such are the declarations of will, as sources for the creation of contractual relations that are recognized by law.

In the latter, *human actions in a narrow sense of the word* (actions in accordance with the law), it is considered that the subjective relationship of the doer of the action does not have to be directed towards the establishment of a certain civil law relation. A typical example of this is finding a thing that is in someone else's property and the engagement in another person's business without authority. In both cases, the doers of these actions take actions that are not an

[11] "*The property that the spouses will acquire during their marriage shall be their joint property*", art. 67, Law on ownership and other real rights…

[12] "*Adoption creates relationships that are equal to those that are created by birth (closed adoption) or relationships that exist only between parents and children (open adoption)*", art.95 (2), Family law, Official Gazette of the Republic of Macedonia no.80/92.

[13] "*In terms of inheritance, the unmarried partners are equalized with the married ones, and the relationship that is created by a closed adoption is equalized with the blood kinship*", art.4 (2), Law of inheritance…

[14] See: A. Grupce, Gragansko pravo (Opst del), Kultura (1980),p. 138.

expression of their will, yet they result in the creation of a civil law relation. The person who found a thing that is someone else's property will have the right to ask the owner for a reward in the amount of 15% of the value of the thing that was found, while the manager will have the right to claim compensation, without an order, for the necessary or useful actions (activities) that he/she has taken (Art. 212, Law on obligations). Some authors also consider the following as actions that are in accordance with the law: creation of a new thing, interference, appropriation of an abandoned thing, construction, etc.[15] All these actions are legal facts, because, as it turns out, they are human actions that are recognized by law, i.e. they are regulated by legal norms.

According to the way they are manifested, human actions are classified as positive and negative. *Positive* actions are those actions that are related to giving and doing, which leads to creation, modification or termination of civil law relations. *Negative actions* are those actions that are reduced to an omission which also leads to creation, modification and termination of civil law relations.

Depending on whether the legal order allows it or not, human actions can be *legal* or *illegal.*[16]

1. Legal human actions are: a) *declarations of will and* b) *actions that are in accordance with the law (actions in a narrow sense).*

a) *The declarations of will* are human actions that are taken to create, modify or terminate a civil law relation. This civil law relation is very rarely created with only one declaration of will, since two or more declarations of will i.e., their consent, is usually necessary to establish a civil law relation. As human actions, declarations of will represent an element of the legal acts.

In property relations, declarations of will may lead to the establishment of real rights (right of ownership, usufruct, pledge, real burden and long-term lease). In contractual relations, the consent of the declared wills is an essential element of the agreement as a legal act. In the legal world, agreements (which are defined as the consent of two or more declared wills) usually lead to creation, modification and termination of the contractual relations as a form of civil law relations (gift agreement, sales agreement, exchange agreement, etc.), and therefore are considered as primary civil law facts. In the inheritance law relations, a declaration of will (as a constitutive element of the will) is a legal fact that (apart from other legal facts) can lead to inheritance based on a will. On the other hand, the inheritor's declaration of will as one of the legal facts leads to the realization of the inheritance law relation.

b) As previously mentioned, *actions that are in accordance with the law* are human actions that lack the intention to create, modify or terminate the civil law relations, such as: finding a thing that is in someone else's property[17], working without an order (engaging in another person's business without authority)[18] and acquiring without proper grounds.[19]

2. *Illegal human actions* in the broadest sense of the word are actions taken by natural persons which are contrary to the legal order and which cause harm to others. These actions are recognized as legal facts by the law, i.e., by Article 9 of the Law on obligations. Therefore, the law prescribes an obligation to compensate for the damage that has been caused: "*Everyone is obligated to refrain from actions that could cause harm to another person*".

The general part of civil law, as a scientific discipline, is based on the view that torts encompass the illegal action that occurs between two persons who have not previously had a civil law relation related to the violated right, but not the action that causes damage to an already existing

[15] A. Grupce, cit.delo p.139.

[16] See: D.Popov, Op.cit., p.178 and O.Stanković, Uvod u građansko pravo, Nomos, Beograd (2004) p.159, as well as R. Kovačević-Kuštrimović, Op.cit, p.140.

[17] See: art. 136-141, Law on ownership and other real rights ...

[18] See: art 209, Law on Obligations.

[19] See: art 199, Law on Obligations.

contractual relationship.[20] According to this view, not handing over the thing which is the seller's (debtor) obligation, does not constitute a tort. It only leads to a liability for causing damage due to failure to fulfil the contract.

For the tort to be a legal fact, i.e., to lead to the creation, modification and termination of civil law relations, it must contain the four elements (assumptions, conditions) that are its constituent elements: *a) illegality of the action, b) damage, c) a causal relationship between the action and the damage and d) fault*.

a) *An illegal* action is an action that violates a certain imperative norm (prohibitive or obligatory), i.e., an action that is contrary to the good customs that are perceived as moral rules of behaviour in a society.[21] Since the illegal human action can cause damage both by the active and the passive behaviour of the perpetrator, the civil law doctrine divides torts into *omissions* and *acts*. *Acts* are illegal human actions that cause damage with the subject's active illegal conduct, while *omissions* are those actions that lead to the occurrence of damage by the subject's (the perpetrator's) illegal omission to do something that he/she was obligated to do.[22] In most cases, torts arise as a result of the legal subjects' active illegal conduct and rarely as a result of an illegal omission that leads to the occurrence of damage. Such is the case contained in the provision of Article 171 of the Law on Obligations, which stipulates responsibility for causing damage due to failure to provide the necessary assistance: "*A person who, without danger to himself/herself, will not assist a person whose life or health is endangered, is liable for the damage that has been caused because of it, if, according to the circumstances of the case, he/she had to anticipate that damage...*"

It is important to emphasize that in the field of civil law, the illegal action itself cannot lead to the creation of an indemnified contractual relation if it does not result in any harmful consequence. Due to these reasons, in the civil law doctrine, the damage is considered as a legal fact that leads to the creation of this kind of contractual relations, and not the illegal human action.[23] However, one should bear in mind that the illegal action and the damage as an unfavourable consequence of this action are interconnected. The opposite fact that the occurrence of damage does not always lead to the creation of an indemnified contractual relation supports this claim. Such are the cases where the law excludes the illegality of the action that is causing the damage. Such actions in the legal order of the Republic of North Macedonia are: the damaged person's consent to suffer damage caused by a third person; the right of self-defence; the exercise of one's right; the allowed self-help; acting ex officio and last resort.[24]

b) *Damage* is the second element of torts. *Damage* is defined as "any unfavourable result of the harmful action of the perpetrator over the property and non-property rights and the legally protected interests of the injured party that has occurred without his/her consent and that the perpetrator is obligated to remove."[25] The Law on obligations defines damage as the reduction of a person's property (*ordinary damage*) or the prevention of its increase *(profit lost*), as well as a violation of personal rights (*non-pecuniary damage*) (Article 141). There are also other divisions of the types of damage in the legal theory, such as: present and future damage, predictable and unpredictable damage, direct and indirect damage, specific and abstract damage, positive and negative damage.[26]

[20] See: A. Grupce, Op.cit., p. 191
[21] See: G.Galev, J.Dabovik-Anastasovska, Obligaciono pravo, Skopje (2009), p.628.
[22] See: D. Popov, Op.cit. p. 178.
[23] See: G.Galev, J.Dabovik-Anastasovska Op.cit., p. 630.
[24] Ibid, p. 631-644.
[25] See: Ibid, p. 649/
[26] See: Ibid, p. 650-656.

Damage, as an unwanted consequence of an illegal action, is an integral and necessary element of torts. This means that without the existence of damage there cannot be a tort, nor an indemnified contractual relation. There is an exception only in regard to the responsibility to remove the risk of damage, i.e. when one person is required to remove a source of danger or to refrain from an action that can lead to damage.[27]

c) *The causal relationship or the so-called causality between the illegal action and the damage* is the third element of torts. Several theories explain the causal relationship, but in the civil law doctrine and the legal world, the so-called adequate (typical) cause theory prevails in relation to causality. According to this theory, an *adequate causal relationship* exists when the cause of the damage following the ordinary course of things and the experience of life is suitable to cause the resulting consequence. An adequate causal relationship exists when a certain illegal action is adequate, i.e., typical for the occurrence of specific damage as a harmful consequence. This is an action that, according to the regular course of things, always leads to the occurrence of precisely defined consequences. According to the adequate theory, if a natural person that is suffering from a coronary disease gets a heart attack in a traffic accident, the court expert witness must prove that death, i.e., the heart attack happened as a consequence of the accident, and not as a consequence of the disease.

d) *Fault* is the fourth element of torts. The civil law doctrine defines *fault* as the perpetrator's mental perception of the illegal action and the damage that arises as a consequence of the illegal action,[28] which is a subjective comprehension of fault as an element of torts. Apart from the subjective, there is also an objective definition of fault. According to it, a fault is defined as a violation of a legal or contractual obligation (the unity of fault theory), or as equalization with the illegal action as a manifestation of fault in the objective reality.[29]

The positive law of the Republic of North Macedonia accepts the subjective comprehension of fault, given the fact that the presumption of fault is the existence of the ability to reason, i.e. a sound mind. According to this, fault and therefore liability based on fault does not exist in persons who due to various reasons (mental disease, intellectual disability, etc.) are not capable of reasoning. These persons are not responsible for the damage they will cause.[30]

According to the provisions of Article 145 of the Law on obligations "*fault exists when the perpetrator has caused the damage intentionally or by negligence (gross, ordinary or other degrees of negligence provided by the law*)." The legislator distinguishes between two basic degrees of fault in the establishment of fault: *intention* (*dolus*) and *negligence* (*culpa*).

Intention (dolus) is defined in the civil law doctrine as the most severe degree of fault that exists when the perpetrator is not only aware of the illegality of the action and the damage as a consequence of that action, but he/she wants them to happen, i.e., accepts them. The intention can be direct (specific) when the perpetrator commits the illegal action to cause a certain harmful consequence, or indirect (eventual) when the perpetrator does not take the action to cause harmful consequences but accepts the damage as an eventual (possible) consequence of that action.[31]

Unlike intention, *negligence (culpa)* is defined as a weaker degree of fault, a failure to exercise due care and diligence when taking a certain action.[32] In this case, the perpetrator has no awareness of the illegal action nor a will to cause damage, but not because he/she is incapable of grasping the meaning of his/her actions, but because he/she is not exercising due care and

[27] See: art. 143, Law on Obligations ...
[28] See: A. Grupce, Op.cit., p.192.Ibid and G.Galev, J.Dabovik-Anastasovska, Op.cit., p. 670.
[29] See: G.Galev, J.Dabovik-Anastasovska, Op.cit., p. 670.
[30] Art.146 Law on obligations…
[31] G.Galev, J.Dabovik-Anastasovska , Op.cit., p. 674-676.
[32] Ibid, p. 676-678.

diligence. Depending on the degree of due care and diligence to which the perpetrator was obligated in a given situation, the Law classifies his/her negligence as *gross negligence (culpa lata), ordinary negligence (culpa levis)* or *another degree of negligence provided by the law*. When the perpetrator has committed the illegal action and caused damage without exercising the due care and attention that is expected of a reasonable person, then the law speaks of *gross negligence*. If during the commission of the harmful action, the perpetrator failed to exercise due care and diligence to a degree that is higher than what is expected of a reasonable person, i.e., he/she failed to exercise due care and diligence in accordance with the legal standards (good host, good expert, good businessman) then the law *speaks of ordinary negligence*. Another degree of negligence provided by the law exists when the perpetrator did not exercise due care and diligence which according to the law he/she should have when taking certain actions.[33]

The liability for the damage that has been caused is not always related to the existence of fault as an element of torts. Depending on whether the liability is based on the existence or non-existence of fault by the perpetrator, there is a subjective and objective liability for the damage that has been caused. The existence of fault is the basis of the subjective liability for the damage that has been caused, while the objective liability exists independently of the fault and is the result of other circumstances such as: holding a dangerous thing, performing a dangerous act, liability for a defective product, damage caused by wild animals, etc.[34]

The illegal action, the damage and the causal relationship between the action and the damage are considered as basic conditions for the creation of obligations caused by damage and fault is treated as one of the special conditions. In addition to a fault, the following are considered as special conditions for the creation of obligations caused by damage: possessing a dangerous thing, performing a dangerous act, violation of obligations from an existing contractual relation, lack of a sound mind and causing damage to a third person by an employee or a governing body of the legal entity.[35]

IV. THE WILL OF THE STATE BODIES AS A LEGAL FACT AND ITS IMPACT ON CIVIL LAW RELATIONS

In addition to the *legal human actions* (activities) and *events*, the Macedonian legal system which is still in transition (a lot of expropriation procedures, unfinished denationalization procedures, privatization of construction lands and legalizations), now also includes the *will of the state bodies* as a legal fact.

There are a lot of cases in the legislation where the will, i.e. the action of the competent state body impacts the creation, modification or termination of a civil law relation. In the expropriation procedure, the private or municipal ownership is terminated and the municipal or state ownership of immovable property is created.[36] The change in the ownership form is the result of the will (action) of the state body, which for the realization of the public interest established by law, initiates an expropriation procedure upon a proposal made by an authorized entity (a state attorney or a mayor).[37] The will of the state body to submit the proposal and start the realization of this civil law relation is embodied in the Law on Expropriation and it is finalized in accordance with the Law, with an enforceable decision on expropriation. This situation is the same with denationalization where the will of the state to return the seized

[33] See: art. 211, 433, 508, 779 Law on obligations…
[34] G. Galev., J.Dabovik-Anastasovska , Op.cit., p. 677-722.
[35] Ibid, p. 665.
[36] See: art 9, Law on Expropriation, "Official Gazette of the Republic of Macedonia" no. 95/12.
[37] See: art.21, Law on Expropriation….

(nationalized) property is embodied in the Law on Denationalization.[38] It prescribes the filing of a request for denationalization by the party whose property has been seized, thus initiating the realization of a civil law relation called denationalization (seizure of state-owned property and its conversion into private ownership), which ends with the adoption of an enforceable decision for denationalization. This is also the case with the privatization of a construction land which is converted from a state-owned land into a privately-owned land, because of the will of the State which is embodied in the Law on privatization and lease of state-owned construction land.[39] This law prescribes the initiation of privatization with a request for privatization with or without compensation, and ends with a decision on privatization, with or without compensation. The situation is the same with the procedure for the legalization of unlawfully erected structures by which the state declares the will to establish a future order in construction, which is embodied in the Law on the Treatment of Unlawfully Erected Structures[40] This Law prescribes the filing of a request for legalization, which leads to the realization of the legalization that ends with a decision for determining the legal status of an unlawfully erected structure[41] or a decision on the rejection of the request for establishing the legal status of an unlawfully erected structure.[42]
Professor Asen Grupche believes that the acts of the state bodies (the expropriation decision, the denationalization decision) are legal facts that influence the creation of the civil law relations of expropriation, denationalization, privatization and legalization. We believe that these acts of the state bodies are not legal facts, but legal grounds for the emergence of civil law rights just as Professor Gams believes. A legal fact for the creation of these civil law relations is the will of the state bodies (to realize the public interest in expropriation, to return the seized property in the process of denationalization which will remove the injustices that have been caused; to establish the principle superficies solo cedit by privatizing the construction land; to establish future order in construction by legalizing the unlawfully erected structures, and etc.).

V. CONCLUSION

The paper analyzes legal facts as circumstances that impact the creation, modification or termination of civil law relations. It indicates that a lot of legal facts are established in the legislation, and they differ in type and in ways they impact civil law relations.
The paper is guided by the general division of legal facts into events, human actions and the will of the state bodies as a legal fact.
The events in the paper are defined as legal facts that represent external objective circumstances and that occur independently of the will of the legal subjects. Among the most important events, the paper includes the following: birth, age, the expiration of the legally prescribed deadline, disease, intellectual disability, death, force majeure, conclusion of marriage and adoption. Birth, conclusion of marriage and adoption are defined as legal facts that primarily impact the creation of civil law relations, i.e., lead towards the obtainment of civil law rights. The impact of age and the expiration of a certain deadline is found in the ability to obtain and exercise civil subjective rights. Death and force majeure are analyzed as legal facts that have an impact both on the creation and on the termination of civil law relations. The paper also establishes that a common characteristic of all of the events is that they, as legal facts, are created independently of the

[38] "Official Gazette of the Republic of Macedonia", no.20/98.
[39] "Official Gazette of the Republic of Macedonia" no. 4/05.
[40] "Official Gazette of the Republic of Macedonia, no. 23/11.
[41] See: art 21, Law on the Treatment of Unlawful Constructions…
[42] See: art 11, Law on the Treatment of Unlawful Constructions…

person's will and are most often spontaneous and unpredictable, and the legal subjects cannot control or avoid them.

Human actions are defined in the paper as a person's actions that lead to changes in the external objective world, and that the legal order prescribes as legally relevant circumstances that lead to the creation, modification or termination of civil law relations. The paper presents the two categories of human actions - legal human actions (declarations of will and actions that are in accordance with the law) and illegal human actions (torts). It can be established from the paper that the legal human actions lead to the creation of civil law relations in a narrow and broad sense of the word, while the illegal human actions create an obligation for the compensation of damage as a civil law relationship in the area of tort law.

In addition to the legal human actions (activities) and events, the paper also analyzes the impact of the will of the state bodies as a legal fact. The paper shows that there are many cases in the legislation where the will, i.e. the action of the competent state body impacts the creation, modification or termination of a civil law relation by adopting a specific administrative act in an administrative procedure (expropriation, denationalization, privatization, etc.).

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