

Abstract

Movement of an undertaking or establishment induced by natural forces as the basis for strict Liability

The thesis presents an analysis of the Supreme Court jurisprudence in the years 1990-2024 concerning the grounds for civil liability in applying art. 435 §1 civil code. This regulation introduces an increased type of liability for damage caused by an undertaking put into motion by means of natural forces (steam, gas, electricity, liquid fuels, etc.) and has been known in its original version since 1933. Its purpose was to provide adequate safeguard for damaged parties in pursuing their claims when it would be difficult or impossible to prove the premise of guilt. The thesis focuses primarily on the issue of the movement of an undertaking, the saturation with natural forces and the causality link between the damage and the movement. A historical and philosophical approach to the problems associated with the aforementioned regulation and its contemporary context led to the conclusion that such a general formulation of this regulation has resulted in courts adopting an excessively arbitrary approach to the provisions for liability and, in many cases, an increased type of liability is assigned in situations when it should not apply.