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Abstract:

In connection with the restrictions introduced to combat the Covid-19 pandemic, the issue of liability for damages of public authorities is extremely topical. The condition of causality in the case of liability for damages of public authorities has not yet been discussed in detail in the science of law. The article will present current views of the science of law expressed in relation to the condition of the causal link in the liability for damages of public authorities. Presentation of such an outline will make it possible to identify the key problems and disputes. These include, in particular, 1) the issue of the legal character of the causal link in compensatory liability of public authority; 2) the issue of the so-called normative link; 3) the problem of the construction of the so-called concretizing factor. When analyzing the above issues, special emphasis will be put on the anchoring of the liability for damages of public authorities in the Fundamental Law. For this reason, a detailed presentation will be given of the views of the science of law and the jurisprudence of the Constitutional Tribunal expressed against the background of article 77 paragraph 1 of the Constitution of the Republic of Poland, which is the provision that constitutes the constitutional right to compensation.