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Title: Obligations in solidum in the light of methodological assumptions of the Poznań-Szczecin School of Legal Theory.

The Polish legal system has adopted the so-called principle of a formal source of solidarity according to which an obligation is joint and several only when it results from an act or a legal transaction. In connection with this a problem arises how to qualify situations where there is no a source of solidarity thus understood, and yet a creditor may demand a full performance of the obligation from each of debtors, and a satisfaction of the creditor by any of them discharges the others from it. In the jurisdiction and in the doctrine it was created a legal construction called „obligations in solidum” to solve problems arising just in relation to this type of situations.

In the PhD thesis the origin of the legal construction of obligations in solidum was presented as well as both the historical and legal context and the legal and comparative one were outlined. Following the construction was submitted for as thorough analysis as possible using methodological tools specific for the Poznań-Szczecin School of Legal Theory. The institution of passive solidarity was subject to the same analysis, and afterwards appropriate comparisons were made. Finally it was assumed that obligations in solidum are a specifically understood concurrence of individual and concrete legal norms. In order to formulate the conclusions it was necessary to refer to considerations regarding the concurrence of legal norms carried out both in the legal theory and in the doctrine of criminal law.

After reaching the findings of a theoretical and general nature the most important cases, which are qualified in the doctrine as obligations in solidum, were presented. The particular attention was paid to the issue of a co-liability of many entities for one damage. In this connection it was necessary to consider some issues which are fundamental for liability for damages such as the way of understanding a damage or the concept of the adequate casual nexus. Each of the issues discussed was considered in the connection with specificity resulting from the presence of more than one entity which are obliged to redress a damage.

In relation to a co-liability of many entities for one damage the admissibility of application of provisions on joint and several liability of debtors to obligations in solidum was submitted for analysis. The findings reached were used to formulate general conclusions on the inadmissibility of application of these provisions to the analyzed construction.

In the thesis problems arising in other situations, which are qualified in the doctrine as obligations in solidum, were also presented. Especially a lot of attention was paid to a situation in which obliged entities are liable in solidum on the basis of liability for damages and of an unjust enrichment. Among other things a co-liability of a mortgager and of a personal debtor was also subject to analysis.

The conducted analyses allowed to reconstruct a theoretical model of obligations in solidum which is formulated in the language specific to the analytical legal theory. Such an outlined construction allowed in turn to solve many specific problems arising in relation to individual cases which are qualified in the doctrine as obligations in solidum. In the result the conclusion of the inadmissibility of application of provisions on joint and several liability of debtors to obligations in solidum was also drawn. At the same time it was proposed on the basis of the concept presented in the thesis to solve problems arising in this context.