

Lex Aquilia and delict *damnum iniuria datum* of roman law

Abstract

The subject of this thesis is the *Lex Aquilia* and the delict of unlawfully caused damage (*damnum iniuria datum*) contained in this law. **The aim of the thesis** is a comprehensive analysis of the *Lex Aquilia* as one of the most important Roman laws and the introduction of *damnum iniuria datum* contained in it as a universal delict for cases of damage claims in a wide range of cases of killing animals or slaves, cases of damaged things or complete destruction of property.

The first part of the thesis serves as an explanation of key concepts from a general point of view, which are necessary to grasp the subject. The concepts of obligation and delictual liability, Roman categorisation of delicts into *delicta privata* and *crimens*, and the role of lawsuits (*actio*) and standing in Roman law are introduced. Furthermore, the sources of the regulation of delict law, primary sources including the *Corpus Iuris Civilis*, and also various authors most notably Roman lawyer Ulpian, are presented in a brief manner.

The aim of the work is achieved **in the second part of the thesis** by analysis of interrelated **institutes**, whether they are specific lawsuits of the *Lex Aquilia*, or introduction of diverse ways of committing this delict by killing (*occidere*), damaging the objects by burning, breaking or destruction, or clarifying the mechanism of consequence of committing *damnum iniuria datum*, in particular a claim for damages in all its components. The primary source of the *Corpus Iuris Civilis* is used by the author and the conclusions for the thesis are illustrated on real cases from the *Digest*.

The thesis is focused on some of the **specific issues** around liability, fault and causality, where are dealt with the concepts of *actio utilis* and *actio in factum* or *culpa in faciendo* in relation to the delict of unlawfully caused damage vs the infliction of death (*mortis causam praestare*). These questions are further shown in a small case study of two selected fragments from the *Digest*. The thesis also deals with the nature of the *actio legis Aquiliae*, and why the action can be considered primarily mixed type (*mixtae*), and not only for a civil fine (*poenale*), and what it means for the injured party from this delict.