



## Responsabilidade civil do Estado em caso de conduta omissiva

By Nathália Christina Caputo Gomes

Novas Edições Acadêmicas Mrz 2015, 2015. Taschenbuch. Book Condition: Neu. 220x150x4 mm. This item is printed on demand - Print on Demand Neuware - Busca-se analisar a responsabilidade civil do Estado através da conduta de seus agentes no âmbito do Poder Público, primordialmente, em circunstâncias nas quais o dano causado à terceiro decorre de omissão. Parte-se do pressuposto, com fulcro na Constituição Federal, de que, em regra, a responsabilidade civil do Estado é objetiva, considerando que, por ser mais poderoso (forte), o Estado teria de arcar com um risco natural decorrente de suas numerosas atividades. Sendo assim, quando se trata de um 'agir' estatal, incontestemente está a dispensa de comprovação do elemento subjetivo (dolo ou culpa) para pleitear ressarcimento da Administração Pública. O que se discute é qual teoria aplicável quando a conduta estatal decorre de uma omissão, ou seja, quando seu silêncio ('não fazer') provocar dano a terceiros. Assim, pretende-se, através de pesquisa bibliográfica e descritiva, sistematizar a doutrina vigente com a análise jurisprudencial, a fim de demonstrar teses defensoras da aplicabilidade, nesses casos, da responsabilidade objetiva, bem como daquelas que defendem que seria mais adequada a responsabilidade subjetiva. 64 pp. Portugiesisch.



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