

# HIGHLY DANGEROUS SOURCES AND THE ISSUES OF COMPENSATION FOR DAMAGE CAUSED BY HIGHLY DANGEROUS SOURCES

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Highly dangerous sources and the issues of compensation for damage caused by highly dangerous sources are increasingly common in life. Damage caused by highly dangerous source has been and is becoming more serious, especially to mean of transportation, capacitor systems... This leads to many disputes over compensation for damages caused by highly dangerous sources in reality becoming increasingly diverse and complex. The practice of resolving these disputes still has many shortcomings, the legitimate rights and interests of the parties are not yet guaranteed. Therefore, understanding the nature of highly dangerous sources and the basis for applying compensation for damages is necessary today.

**Keywords:** *Highly dangerous sources; Compensation for damages; Actual damages; Causal relationship*

## 1. Introduction

Under the hustle and bustle of industrial life, the transformation of the market economy and the remarkable development of science and technology, social fields are constantly developing strongly, notably the fields of transportation science, chemical science, mechanical science, electrical and electronic science... Means of transport are constantly being improved and upgraded, the power transmission system is covering the whole country, factories and enterprises are being built in large numbers, chemical science is constantly researching explosives, flammable substances, toxic substances and radioactive substances. These are great strides in promoting the country's industrialization process. However, when operating, the above mentioned materials always pose a risk of causing damage, threatening the safety of human life, health and property. These damages are completely objective and beyond human control, even though people have complied with the legal regulations on management, operation and use of them. Therefore, building a legal corridor to regulate these relationships is necessary and urgent.

The 1995 Civil Code to the 2015 Civil Code both have the provision of "Compensation for damage caused by sources of extreme danger". However, there is still no specific document guiding the sources of extreme danger, leading to the determination of sources of extreme danger, the conditions giving rise to liability for compensation, as well as the subject responsible for compensation in reality are not unified, causing difficulties for the parties in the process of resolving disputes on "Compensation for damages caused by sources of

extreme danger".

The article discusses aspects of the provisions of Vietnamese civil law on the responsibility for compensation for damages caused by sources of extreme danger. In addition, to comprehensively evaluate the law, the author conducts research on the practical application of legal provisions combined with legal experience from a number of progressive countries to recognize the inadequacies in legal provisions on this issue and make recommendations for improving the law.

## 2. Research overview

In recent times, many authors have been interested in researching the highly dangerous source and the issue of compensation for damages caused by the highly dangerous source, some typical researches are as follows: *Law on compensation for non-contractual damages - Judgments and judgment comments Volume 2* (Dai, 2017); *Fault element in liability for compensation for damages caused by the highly dangerous source* (Dao & Huong, 2013); *Liability for compensation for damages caused by the highly dangerous source* (Hai, 2019); *Compensation for damages caused by the highly dangerous source* (Quang, 2021); *Compensation for non-contractual damages to property, health and life* (Tap, 2009); *Case book: Law on contracts and compensation for non-contractual damages (Commentary on judgments)* (Hung, 2019); *Discussion on resolving civil issues caused by the highly dangerous source in cases of violating road traffic safety* (Thanh & Loan, 2024),... The above works and articles are valuable sources of scientific inheritance, helping the author supplement and clarify the understanding of the highly dangerous

source according to current regulations, because it is seen that, from a theoretical perspective, current regulations have not yet established a legal corridor to regulate this definition. At the same time, compensation for the damage caused by the highly dangerous source is urgent, so the basis for this responsibility is an issue that needs to be discussed. From the existence of the highly dangerous source and the fact that the highly dangerous source causes damage contrary to the provisions of current law, to the actual damage determined as well as the relationship between the highly dangerous source and the damage it causes; in which the issue of fault is also mentioned.

### 3. Research method

During the research process, the article uses some main methods such as: analysis, synthesis, comparison, and theoretical systematization to supplement, complete, clarify the research content “the highly dangerous source and the issue of compensation for damages caused by the highly dangerous source”.

### 4. Research result

#### 4.1. Concept of high-risk source

Previously, Clause 1, Article 623 of the 2005 Civil Code and Resolution No. 03/2006/NQ-HDTP dated July 8<sup>th</sup>, 2006 of the Supreme People’s Court provided guidance on the provisions on liability for compensation for non-contractual damages in the 2005 Civil Code, including guidance on compensation for damages caused by the highly dangerous source. But both the Code and the Resolution above do not mention the concept of the highly dangerous source, mainly listing the subjects considered as a highly dangerous source (Civil Code 2005 & Resolution No. 03/2006/NQ-HDTP).

Accordingly, the 2015 Civil Code was born to inherit these regulations and has not yet provided a general concept of collective bargaining. Article 601 of the 2015 Civil Code lists sources of extreme danger as including: *Motor vehicles; power transmission systems; industrial plants in operation; weapons, explosives, flammable substances, toxic substances, radioactive substances; wild animals and other highly dangerous source as prescribed by law* (The 2015 Civil Code). It can be seen that the common point of the factors listed above is that certain substances regulated by law always have the potential to cause damage to humans and humans cannot absolutely control them. The Civil Code’s listing method of regulating the highly dangerous source has created inconsistency in the method of application. Instead of providing a general description of the highly dangerous source, lawmakers still cannot specifically describe the existence of this legal problem, only listing and preventing shortcomings through the phrase “... *other highly dangerous source as prescribed by law*”.

The content of each type of the highly

dangerous source is very diverse, this poses a great challenge for people in the process of accessing the regulations of the highly dangerous source, because it is necessary to consider through the legal regulations of each specific field. For example, in the case of motor vehicles, this type of the highly dangerous source is quite broad, because transport vehicles exist in many fields. Clause 18, Article 3 of the current Road Traffic Law stipulates: “*Road motor vehicles (hereinafter referred to as motor vehicles) include automobiles; tractors; trailers or semi-trailers pulled by automobiles or tractors; two-wheeled motorbikes; three-wheeled motorbikes; motorbikes (including electric motorbikes) and similar vehicles*” (Law on Road Traffic 2008). Next, Article 11 of the 2005 Vietnam Maritime Law stipulates: “*A seagoing vessel is a ship or other mobile floating structure specially designed for operation at sea*” and Clause 7, Article 3 of the 2004 Law on Inland Waterway Traffic stipulates: “*Inland waterway craft (hereinafter referred to as craft) are boats and other floating structures, motorized or non-motorized, operating exclusively on inland waterways*”. Finally, Clause 1, Article 13 of the 2006 Law on Civil Aviation of Vietnam stipulates: “*Aircraft is a device that is supported in the atmosphere by interaction with the air, including airplanes, helicopters, gliders, balloons and other flying devices except for devices that are supported in the atmosphere by interaction with the air*”. Comparing the provisions of Clause 1, Article 601 of the 2015 Civil Code and Clause 18, Article 3 of the current Road Traffic Law, it can be seen that there is a difference in the use of the two terms: “*road motor vehicle*” and “*motor transport vehicle*”. The provisions of the 2015 Civil Code when using the term “*motor transport vehicle*” have a broader connotation of the word “*transport*” including aviation, railway, road, waterway, by cable, pipeline and in space... The provisions on the method of listing and the use of terminology when listing each type of the highly dangerous source as in the 2015 Civil Code are open provisions. This requires the Court to be flexible and apply to determine in which cases it is considered the highly dangerous source and in which cases it is not considered the highly dangerous source.

Or for one of the elements of the highly dangerous source of interest for research is the electrical and radioactive load system. The operating electrical load system is the highly dangerous source.

The electrical load system is understood as a collection of devices and accessories closely connected to each other to form a unified entity with the function of transmitting and transmitting electricity from the power supply point to the consumption point. The electrical load system includes: public electrical load system, private electrical load system. Electrical load system is also understood as electric transmission line, description, generator, circuit breaker, transformer... (According

to Clause 3, Article 3 of the 2004 Electricity Law, amended and supplemented in 2012). For example, if an electric pole falls, an electric wire falls or sags near the ground and injures someone, this is a construction project that causes damage and to be not considered a highly dangerous source. On the other hand, the power transmission system is carrying high voltage currents, such as civil and industrial power grids with voltages of 41kV or higher, which are very dangerous to human life, health and the surrounding environment (According to the Electrical Safety Procedure of Vietnam Electricity Group issued with Decision No. 959/QĐ-EVN dated August 9<sup>th</sup>, 2018 of Vietnam Electricity Group). Therefore, only high voltage electrical transmission systems that can cause serious injury, burns, death to people, animals or have the potential to cause fire or explosion at a high level, to be difficult to control absolutely and have the characteristics of “containing a source of great danger” are considered a highly dangerous source. Thus, the public power transmission system, the power transmission line serving the daily life of households, to be in operation, with a voltage of 110V or higher, a type of the highly dangerous source. The law stipulates that those who manage, exploit, use, transport and maintain all types of the highly dangerous sources in general and the power transmission system in particular must be responsible for managing and using them carefully, thoroughly and professionally... Comparing the provisions of foreign civil law, the highly dangerous source is also mentioned. It can be seen that the laws of countries have two trends of regulation: listing specific cases for each type of compensation without naming a highly dangerous source and defining a highly dangerous source. Specifically, Article 437 of the Thai Civil and Commercial Code stipulates: “*The highly dangerous sources are any objects pulled or pushed by machinery... objects that can cause danger due to their nature, purpose or mechanical operation*”. Article 311 of the Japanese Civil Code names “manufacturing plants, mining sites for flammable and explosive minerals and means of transport and motorized transport as a highly dangerous source”. Unlike the above countries, France or the United States specifically stipulates each case of compensation due to factors that Vietnamese law stipulates as a highly dangerous source. According to the civil law of the French Republic, due to the civil liability regime not based on fault (La responsabilité sans faute): “*a person is responsible for the damage caused by (...) the things in his custody*” (Article 1384 of the French Civil Code), the content of the highly dangerous source is not mentioned. Obviously, regardless of the nature of the highly dangerous sources, the important thing is that the person responsible for keeping the object, if causing damage, have to compensate for all damages caused by the object. In the United States, or European countries (EU),

each case of compensation is named and analyzed (European commission, Compensation for damage caused by bears and wolves in the European union, European Communities, 1999, p.5).

According to the United States Law on Torts, this country does not call it a highly dangerous source but uses the concept of “*potential harm*” with the general principle of “*requiring everyone to take reasonable care not to cause harm to others*” and “*strict liability*” forcing a person to be responsible for compensating for damages even if did not intend to cause damage or had taken necessary care to avoid causing damage (Kenworthy bilz and janice nadler, Law, Moral attitudes, and Behavioral change, *The Oxford Handbook of Behavior Economics and the Law*, Teichman (Eds), 2014, p.242). In essence, this content covers all cases, protecting the rights of the injured person absolutely and does not need to consider the level of the type of material causing damage or actual damage.

Based on the provisions of Article 601 of the 2015 Civil Code, a highly dangerous source can be classified into 4 groups: (1) *group of physical origin* (motor vehicles, power transmission systems, operating industrial plants); (2) *group of chemical origin* (explosives, toxic substances, flammable substances, radioactive substances,...); (3) *group of biological origin* (wild animals, harmful and dangerous bacteria and viruses) and (4) *group of combined multi-origin* (bombs, mines, ammunition, rockets, torpedoes,...). For objects, substances, animals, activities... defined by law as a highly dangerous source, they must be “*operated, used, preserved, kept, transported...*” in accordance with the provisions of law.

Through the provisions of civil law of some countries as well as in the Civil Code of Vietnam, it is seen that the highly dangerous sources are objects that when used, preserved, stored, and looked after always posing a high risk and danger to human life, health and property. In order to overcome the above shortcomings, to help the application of the law in a unified and easy way and to refer to the regulations on the concept of the highly dangerous sources in the world, the author recommends that it is necessary to regulate the signs of the highly dangerous sources, to have a basis for assessing and determining other types of dangerous sources considered as a highly dangerous source, specifically: The highly dangerous sources are certain substances regulated by law that always have the potential to cause damage to people and people cannot control them absolutely. In addition, the concept of “*motorized means of transport*” needs to be replaced by the concept of “*motorized means of transport and specialized motorbikes*”. On the other hand, paragraph 2, Clause 1, Article 627 of the Civil Code stipulates the responsibility to comply with legal regulations in preserving, keeping, transporting and using the highly dangerous sources only for the owner of the highly dangerous sources and not for



the person assigned by the owner to possess and use them. Therefore, it is necessary to add to paragraph 2, clause 1 the phrase: “the person assigned by the owner to possess and use the highly dangerous sources”. Thus, compensation for damage caused by the highly dangerous source is a special type of liability because the damage occurs not due to human behavior and error but due to the activities of objects whose activities always have the potential to cause damage. Although the owner or possessor of the highly dangerous source may not be at fault for the damage, but in order to ensure the legal rights of the damaged person, the law still requires them to be responsible for compensation.

#### **4.2. Conditions for arising liability for compensation for damage caused by sources of the highly dangerous sources**

##### *4.2.1. The existence of a source of danger and the causing of damage is unlawful*

*Firstly, the existence of a high level of danger is inevitable.*

According to the general principle, if an act causing damage is determined to be illegal, the person committing that act must compensate, if an act causing damage is determined to be not illegal, the person committing that act does not have to compensate (Tap, 2009, p.57). Compensation for damage caused by a highly dangerous source is due to the highly dangerous source itself causing damage to another entity during its existence and activities.

That means, first of all, we must consider whether or not the highly dangerous source exists, that is to determine whether that object or substance is a highly dangerous source or not.

According to Article 601 of the 2015 Civil Code, in principle, the owner of a highly dangerous source must operate, use, preserve, keep and transport it in accordance with the law, in case of causing damage, the highly dangerous source must compensate for the damage. Previously, Resolution No. 03/2006/NQ-HDTP of the Council of Judges on Compensation for non-contractual damages stipulated that “*When a means of transport, construction, material or animal causes damage, in order to have a basis to apply Clauses 2, 3 and 4, Article 623 of the Civil Code to determine the liability for compensation for damages, it is necessary to determine whether the source of the damage is a highly dangerous source or not*”. This means that, compared to the general regulation, we do not need “illegal acts” of the person responsible for compensation, but instead, we must verify the damage caused by the highly dangerous source (Dai, 2017, p.277-278), which means there must be the presence of the highly dangerous source. Damages arising from the operation or potential risks of the highly dangerous sources give rise to compensation liability of the owner/possessor of the highly dangerous source (Dao & Huong, 2013).

*Secondly, causing damage is illegal*

Only when the damage caused by the highly dangerous source is illegal will it give rise to liability for compensation for damage. Because the law allows the use of the highly dangerous source, but when used, it must not cause damage to others. Once the damage caused is not permitted by law, it can be considered as “illegal damage” (Hung, 2019, p.519).

It must be understood that sometimes the outward manifestation of “causing damage” may not be illegal, for example, putting a vehicle into operation on the road and the electrical wire is short-circuited and causes a fire or explosion, in terms of the nature of the damage, it is illegal because it causes damage to others (the law allows the use of high-risk sources (motor vehicles) but when used, it must not cause damage to others - and damage occurs when the law does not allow it, it can be considered “causing illegal damage”).

Furthermore, due to its “highly” dangerous nature, so the highly dangerous sources can cause damage to anyone, be it the owner, the possessor, operator or even those unrelated to the highly dangerous sources... so the responsibility to compensate for damage caused by the highly dangerous source is imposed when the highly dangerous source causes damage to “surrounding people” - those who, when the damage occurs, to be not related to the source of danger in order to protect the right to compensation for these people (Hai, 2024).

Therefore, the condition for liability to compensate for damages is the cause of damage of an illegal nature, illegally infringing upon the life, health, property, rights and legitimate interests of others.

Thus, the manifestation of the highly dangerous source causing damage is an accident due to the “self” incident of the highly dangerous source, meaning that humans cannot absolutely control these highly dangerous sources, typically in cases of guns being accidentally fired, cars losing brakes, cars spontaneously combusting due to electrical wires, steering wheel being lost, batteries and fire extinguishers spontaneously exploding, car brakes being disabled...

However, that does not mean completely excluding the existence of human behavior. In the expanded structure of this institution, it is entirely possible for human behavior to exist in the form of expression: action or inaction.

##### **(i) Form of inaction causing damage**

Typically, the highly dangerous source causes damage due to human “inaction”. Due to the dangerous nature of the highly dangerous source, so the law has very strict regulations on the responsibilities of owners and related entities in the operation, use, preservation, custody, exploitation and transportation of the highly dangerous source. If the subject has an obligation but fails to perform it, it is considered a violation of the law - not acting illegally (Hung, 2019, p.512).

It is not the direct cause of damage, but combined with the dangerous nature of the highly dangerous source, in specific circumstances it will be part of the cause of damage.

(ii) Illegal acts of a person who illegally possesses or uses another person's intellectual property

When a highly dangerous source is illegally possessed or used (a car is stolen and the brakes fail, causing an accident,...). Current law considers whether the possessor or user of the highly dangerous source is at fault for allowing another person to possess or use it illegally. If not, then only consider the illegal act of the possessor using the property illegally. If so, then consider the owner's fault in creating conditions for others to possess and use the property illegally, causing damage.

That is, current law considers both the act of illegal possession and use of the highly dangerous sources causing damage and also considers the owner's act of allowing others the opportunity to illegally possess and use it.

(If people use the highly dangerous sources as a tool to cause illegal acts, it is considered as compensation for damage caused by human)

Therefore, the compensation regime for damages caused by the highly dangerous sources - does not exclude illegal human acts, because:

*Firstly*, Article 601 of the Civil Code does not exclude illegal acts of humans, the damage of the highly dangerous source is very large, so the responsibility of the owner, possessor, user must be mandatory to manage the operation, use, exploitation... and actively in checking, supervising the installation, exploitation and operation of the highly dangerous source. This is a management obligation, failure to perform is considered as not acting illegally.

*Secondly*, Article 601 of the Civil Code also considers the responsibility of the owner, possessor, or user who is at fault in allowing others to possess or use the property illegally. This means that this provision clearly demonstrates the role of human behavior in participating in causing damage to the highly dangerous sources.

*Thirdly*, it is a truism that some inanimate objects can hardly function "by themselves" without human intervention. Except for a few things that can function by themselves, such as animals and explosives in their normal state. However, even if these objects are the property of the owner, they are not out of human control, at least legal control. Therefore, the liability for compensation of damages will arise for the owner, manager and user of the highly dangerous sources. If collected, explosives in nature do not belong to the highly dangerous sources (Hung, 2019, p.517).

#### 4.2.2. Actual damages

Damage is a factor constituting the liability to compensate for damages in general and the

liability to compensate for damages caused by the highly dangerous sources in particular. In other words, there must be actual damage occurring for the liability to compensate for damages to arise, conversely without actual damage, the liability to compensate for damages will not arise.

The current Civil Code mentions how to determine the types of damage: damage caused by property infringement (Article 589), damage caused by health infringement (Article 590), damage caused by life infringement (Article 591) and damage caused by honor, dignity and reputation infringement (Article 592).

When property, health, or life are violated, compensation includes both direct and indirect damages. In which, direct damage is damage that has objectively occurred in reality. On the contrary, indirect damage is damage that may not have occurred yet and can only be determined based on scientific speculation (Dai, 2017, p.720).

In case the highly dangerous source causes damage to health or life, in addition to material compensation, the victim may also receive a sum of money to compensate for mental damage (Civil Code 201). Typical injuries (when health is damaged), suffering, mental breakdown when losing a loved one, inferiority complex when the body is no longer intact, unable to integrate into the community. In order to comfort, encourage and ease the pain of the victims or their loved ones, helping them to restore their normal mental state.

The subject of compensation for damage caused by the highly dangerous source cannot be human honor, reputation or dignity. Damage to honor, reputation or dignity can only arise from human behavior, so it is not within the scope of the highly dangerous source's impact (Hai, 2024).

#### 4.2.3. Causal relationship

In addition to the two factors analyzed, in order to incur liability for compensation for damages caused by the highly dangerous sources, we must also prove that the damage occurred due to the direct cause of the the highly dangerous sources itself. That is, it is necessary to clarify the causal relationship between the damaging impact of the highly dangerous sources and the damage that occurs. In order to apply the responsibility for compensation for the damage that we are studying, the damage must be caused by the activities of the highly dangerous sources itself and be beyond human management and control. However, the liability for compensation for damage caused by the highly dangerous sources does not exclude the possibility that the damage may also be partly due to the fault of the person managing, keeping, preserving and operating the highly dangerous sources, but human behavior in this case is not the decisive cause leading to the damage (such as the owner does not regularly maintain the vehicle and thinks that the brakes and tires are still in good

condition, but when the vehicle is running, the brakes break or the tires explode, causing damage) (The 2015 Civil Code).

#### 4.2.4. *The role of error factors*

According to the 2015 Civil Code, the liability for compensation for non-contractual damages in general and compensation for damages caused by the highly dangerous sources, the fault factor is not a mandatory basis.

##### *Principle of objective responsibility*

According to Clause 3, Article 601 of the 2015 Civil Code: “*Owners, possessors and users of illegal assets must compensate for damages even when they are not at fault*”. This means that owners, possessors and users of the highly dangerous sources must compensate for damages caused by the highly dangerous sources even when they are not at fault.

The regulation of no-fault compensation is a special type of responsibility, an objective responsibility to thoroughly protect the interests of the damaged person (Hung, 2019, pp.422-423). This regulation aims to enhance responsibility when owning, managing, operating and using the highly dangerous sources, because these are objects and substances that exist in society and in nature and their existence and operation pose high risks, potentially causing damage at any time to people around them.

However, with the complexity of situations occurring in reality, current scientific views also have many differences.

*Firstly*, if the damage is related to the highly dangerous sources, the responsibility to compensate for the damage caused by the highly dangerous sources shall apply regardless of whether or not there is any fault on the part of the owner, possessor or user of the highly dangerous sources.

*Secondly*, it is necessary to consider and clearly separate each cause that creates real damage, even though the damage is caused mainly by the presence of the highly dangerous sources. Liability for compensation for damage caused by the highly dangerous sources is applied when the damaging activities of the highly dangerous sources are often beyond the control and management of the possessor and operator and to be the direct cause of the damage. The responsibility for compensation for damage caused by the highly dangerous sources does not exclude the possibility that the damage may also be partly due to the fault of the person managing, keeping, preserving and operating the highly dangerous sources, but the behavior of the person keeping and operating the highly dangerous sources is not the decisive cause of the damage.

The most important sign to determine this responsibility is that the activities of the highly dangerous sources are the direct cause and the decisive factor leading to the damage. Therefore, the responsibility to compensate for damage caused

by the highly dangerous sources does not exclude the possibility that the damage may also be partly due to the fault of the person managing, keeping, preserving and operating the highly dangerous sources, but human behavior in this case is not the decisive cause leading to the damage (such as the owner does not maintain the vehicle regularly and thinks that the brakes and tires are still in good condition, but when the vehicle is running, the brakes break or the tires explode, causing damage).

If damage occurs due to illegal human behavior, more specifically, damage related to the highly dangerous sources but due to human impact such as driving a vehicle exceeding the prescribed speed, driving in the wrong lane, not complying with regulations on the use of high voltage electricity... then the responsibility for compensation for damage will be determined based on the general provisions on compensation for non-contractual damage. At this time, the highly dangerous source is considered a tool, a means that people use to cause damage. For example, electricity is a means of causing damage to human life and health in cases where people use electricity as a trap in the fields. The above analysis shows that determining the cause of damage is important because this is the key point to accurately determine the responsibility for compensation for damage.

##### *Errors in management, use and possession of highly dangerous sources*

In the process of analyzing the principle of objective responsibility, we sometimes see that the appearance of errors in management, use and possession of highly dangerous sources also partly leads to the responsibility to compensate for damages of those who own or are possessing and using it. This is completely reasonable because the dangerous nature of these objects during their existence and operation requires owners and possessors to strictly comply with relevant legal regulations (Hung, 2019, p.420). However, this fault factor is not the main basis required to create liability for compensation for damages when the highly dangerous sources causes damage, but this constraint increases the necessary responsibility of the person who intends to own, possess and use the highly dangerous sources.

In addition, if the owner or legal possessor does not perform good management (does not comply or does not fully comply with the regulations on preservation, custody, transportation and use of the highly dangerous sources according to the provisions of law) and his/her the highly dangerous sources is illegally possessed or used by another person, causing damage, he/she must also bear part of the responsibility.

But when the highly dangerous sources that one possesses or uses to be illegally possessed or used by another person and one is not at fault in allowing another person to possess or use it illegally, one does



not have to compensate for the damage caused by the highly dangerous sources (The 2015 Civil Code).

### 5. Discussion

Based on the above issues, to better understand the nature of high-risk sources and the basis for applying compensation for damages, we need to continue to pay attention to researching the following issues:

*Firstly*, the issue of whether the fault element should be considered as a basis for incurring liability for compensation for damages caused by a highly dangerous source.

*Secondly*, if the electrical system causes actual damage, which entities are jointly responsible for compensation?

### 6. Conclusion

From the analysis, assessment, and provisions of current laws on liability for compensation for damages caused by high-risk sources, focusing on studying the provisions with many shortcomings and practical application. Within the scope of this article, the author suggests some ways of understanding high-risk sources, at the same time also identifies the bases for the arising of liability to compensate for damages caused by high-risk sources. The problem of disputes from high-risk sources has been one of the common problems of social life, threatening civil exchange between subjects in life. Therefore, it is necessary and urgent to study the limitations that still exist in civil law regulations and build a solid legal framework to regulate this issue.

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## NGUỒN NGUY HIỂM CAO ĐỘ VÀ VẤN ĐỀ BỒI THƯỜNG THIẾT HẠI DO NGUỒN NGUY HIỂM CAO ĐỘ GÂY RA

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**N**guồn nguy hiểm cao độ và vấn đề bồi thường thiệt hại do nguồn nguy hiểm cao độ gây ra ngày càng phổ biến trong đời sống. Những thiệt hại do nguồn nguy hiểm cao độ gây ra đã và đang xu hướng nghiêm trọng hơn, nhất là các phương tiện giao thông, hệ thống tụ điện... Điều này dẫn đến nhiều tranh chấp về bồi thường thiệt hại do nguồn nguy hiểm cao độ gây ra trên thực tế ngày càng đa dạng và phức tạp. Thực tiễn giải quyết các tranh chấp này vẫn còn tồn tại nhiều bất cập, quyền và lợi ích hợp pháp của các đương sự vẫn chưa được đảm bảo. Vì thế, việc hiểu rõ bản chất của nguồn nguy hiểm cao độ và căn cứ để áp dụng bồi thường thiệt hại là cần thiết hiện nay.

**Từ khóa:** Nguồn nguy hiểm cao độ; Bồi thường thiệt hại; Thiệt hại thực tế; Mối quan hệ nhân quả.