

REVIEW ARTICLE

The preventive function in civil liability: the legal basis of civil sanctions in Colombia

La función preventiva en la responsabilidad civil: base jurídica para sanciones civiles en Colombia

Ivan Andraus Quintero¹ 

Received: 6 January 2023 / Accepted: 20 January 2023 / Published online: 31 January 2023

© The Author(s) 2023

Abstract This study examined the preventive function of civil liability in Colombia, focusing on the necessity of integrating civil sanctions as a means to deter unlawful conduct and foster socially responsible behavior. The primary objective was to evaluate how these sanctions could supplement the traditional compensatory role of civil liability, thereby transforming it into a more robust mechanism for safeguarding individual rights and preventing future harm. Through a comparative analysis, the study reviewed the practices of common law jurisdictions, particularly their application of punitive damages, and contrasted them with the Colombian legal framework (Abraham & Zhou, 2022), taking into account recent proposals to adopt analogous measures. The findings suggested that the incorporation of civil sanctions could yield substantial benefits, including the reinforcement of social justice and the promotion of collective responsibility. Nevertheless, the study underscored the imperative of regulating such sanctions through principles of proportionality and equity to mitigate the risk of arbitrariness. In conclusion, the introduction of preventive sanctions within the civil liability regime was found to not only enhance the system's reparative function but also contribute to the creation of a safer and more equitable legal environment, aligning with the contemporary exigencies of Colombian society.


Keywords civil liability, preventive sanctions, punitive damages, social responsibility

Resumen Este estudio examinó la función preventiva de la responsabilidad civil en Colombia, enfocándose en la necesidad de integrar sanciones civiles como medio para disuadir conductas ilícitas y fomentar comportamientos socialmente responsables. El objetivo principal fue evaluar cómo estas sanciones pueden complementar el rol tradicional compensatorio de la responsabilidad civil, transformándola en un mecanismo más sólido para la protección de los derechos individuales y la prevención de daños futuros. A través de un análisis comparativo, se revisaron las prácticas de los sistemas de derecho común, particularmente su aplicación de los daños punitivos, y se contrastan con el marco legal colombiano, considerando propuestas recientes para adoptar medidas análogas. Los hallazgos sugieren que la incorporación de sanciones civiles podría generar beneficios significativos, como el fortalecimiento de la justicia social y la promoción de la responsabilidad colectiva. Sin embargo, el estudio destaca la imperiosa necesidad de regular estas sanciones mediante principios de proporcionalidad y equidad para mitigar riesgos de arbitrariedad. En conclusión, la introducción de sanciones preventivas dentro del régimen de responsabilidad civil no solo fortalecería la función reparadora del sistema, sino que también contribuiría a la creación de un entorno jurídico más seguro y equitativo, acorde con las exigencias contemporáneas de la sociedad colombiana.

Palabras clave responsabilidad civil, acciones preventivas, daños punitivos, responsabilidad social.

How to cite

Andraus, I. (2023) The preventive function in civil liability: the legal basis of civil sanctions in Colombia. *Journal of Law and Epistemic Studies*, 1(1), 34-40.
<https://doi.org/10.5281/zenodo.14195311>

 Ivan Andraus Quintero
igandraus@gmail.com

¹ Universidad Externado de Bogotá, Colombia.

Introduction

The Civil liability has historically assumed multiple functions, with the compensatory or indemnificatory role being the most prominent. This role is anchored in the principle of *alterum non-leser*, which mandates that the party causing harm is obligated to provide reparation, aiming to restore the injured party to their position before the occurrence of the harm (Henao, 2002). However, compensation must be commensurate with the harm suffered, thereby avoiding unjust enrichment or undue impoverishment.

Certain legal systems have established exceptions to this compensatory principle through the application of civil penalties or punitive damages. These remedies, predominantly utilized in common law jurisdictions, are designed to sanction willful, fraudulent, or grossly egregious conduct and to serve as a deterrent to both the wrongdoer and society at large. A landmark example is the case of *Huckle v. Money* (1763), where the House of Lords awarded exemplary damages against the state for abuse of power, emphasizing the imperative of safeguarding fundamental rights and preventing the recurrence of similar misconduct (Arroyo, 2000).

The punitive function of civil penalties, extending beyond mere victim compensation, focuses on penalizing the wrongdoer and deterring the recurrence of harmful conduct (Bacache-Gibeili & Larroumet, 2021). This approach aims to eradicate any unjust enrichment derived from the harm caused and to dissuade third parties from engaging in similar behavior. However, the adoption of this concept has faced resistance in continental European and Latin American legal systems due to their traditions, which emphasize compensation over punishment (Stiglitz & Pizarro, 2009).

In France, for instance, the Court of Cassation has held that civil liability should not serve a punitive function, citing concerns over unjust enrichment (Viney, 2010). Nevertheless, the draft reform of the law of obligations includes a provision permitting the imposition of civil penalties in cases of deliberate misconduct resulting in economic gain, provided that the judicial decision is thoroughly reasoned (Zavala de González, 2004).

In the Latin American context, Brazil recognizes penalties for violations of personal rights, and Argentina has recently incorporated punitive damages into its civil and commercial code, signaling a growing acceptance of this preventive and deterrent approach (Jaramillo, 2013) (Goto & Katanoda, 2022). However, legal doctrine and jurisprudence in other countries within the region continue to exhibit reluctance in embracing civil penalties.

The primary objective of this study is to assess the preventive function of civil liability as a foundation for imposing penalties in Colombia. The analysis examines how this function, alongside the compensatory role, can contribute to a more equitable and effective civil liability system that not

only provides reparation for harm but also deters future violations (Caballero, 1979).

This examination will be structured into two key parts: an exploration of the concept of penalties within civil liability and an analysis of the legal foundations underpinning the preventive function in Colombia, with an emphasis on its implications and potential advantages.

Sanctions in Civil Liability

The Current Role of Civil Liability

The evolution of legal systems has significantly advanced beyond the traditional dichotomy of private and public law. Today, both domains share a unified objective: to safeguard societal interests and protect the most vulnerable individuals (Hinestrosa, 2015). This paradigm shift underscores a more socialized conception of law, where the intervention of the State and other mediating entities is indispensable for fostering harmonious coexistence (Valencia Zea & Ortiz Monsalve, 2002).

The transformation of civil law has led contemporary jurists to assert that the rigid demarcation between public and private law is increasingly obsolete. Eugenio Llamas Pombo (2011) argues that civil law, within the framework of a social state governed by the rule of law, must respond to collective interests, necessitating an active role for the State in regulating interpersonal relations.

The “constitutionalization of private law” entails that areas within this discipline should be examined through a lens that prioritizes social and public concerns (Ordoqui Castilla, 2012). This perspective redefines the role of law as a protective instrument against actions that disrupt social harmony, integrating both preventive and punitive measures.

The Preventive Character of Civil Liability

As the law evolves, new mechanisms emerge to address contemporary challenges, particularly in the realm of civil liability. Historically, the compensatory function has been the predominant focus, rooted in the *alterum non-leser* maxim of Roman law. This principle ensures that individuals who cause harm are obligated to repair it, thereby restoring the injured party to their prior state (Constitutional Court, 2002). However, numerous scholars have argued that mere compensation may not suffice to fully restore the equilibrium disrupted by the harm (Rossi, 1977).

The notion that civil liability should incorporate a preventive dimension has gained significant support in modern legal doctrine. This perspective suggests that tort law should not only compensate victims but also act as a deterrent against socially harmful behavior. In certain legal systems, such as those following common law principles, this preven-

tive function has been realized through the implementation of punitive damages or civil sanctions. These measures are designed to penalize and deter willful or grossly negligent misconduct (Trigo Represas & López Mesa, 2004).

The Role of Civil Sanctions in Comparative Law

The application of civil sanctions has gained particular prominence in common law jurisdictions. In the United States, for instance, punitive damages have been employed to penalize and deter egregious behavior. A notable example is the case of *Grimshaw v. Ford Motor Company* (1981), where the court imposed substantial damages to address corporate negligence and prevent its recurrence (California Court of Appeals, 1981). Such jurisprudence demonstrates the dual objectives of civil liability: ensuring reparation of harm and discouraging repeat offenses (Schwartz, 1991).

Jurisprudence in Other European Countries

The jurisprudence of other European countries, while traditionally more conservative, has gradually begun to acknowledge the relevance of the preventive function of civil liability. In France, the reform of obligations law has proposed the incorporation of civil sanctions in cases involving willful misconduct that results in economic gain. This shift signals a departure from the classical view of civil law as an exclusively compensatory mechanism (Viney, 2010).

Evolution and Justification of Civil Sanctions

The concept of civil sanctions has undergone significant historical development. Ancient legal systems, such as the Code of Hammurabi, incorporated provisions with a punitive character, aiming not only to redress harm but also to deter future misconduct. Similarly, Roman law, as codified in the Law of the Twelve Tables, recognized economic sanctions that exceeded the actual harm caused. These measures served not only to compensate the victim but also to emphasize the gravity of the offense and to deter similar acts (Aristizábal, 2010).

Historical Role of Civil Sanctions

Throughout history, civil sanctions have served as instruments of social control and deterrence against reprehensible conduct. During the Middle Ages, Alfonso X's *Siete Partidas* incorporated punitive elements into the legal framework, albeit with limited application. The true consolidation of such sanctions, however, emerged in common law jurisdictions, notably in England and later in the United States (García Matamoros, 2003; Pizarro, 1996).

Landmark Cases and Jurisprudence in Common Law

The development and solidification of civil sanctions in common law systems are exemplified by pivotal cases. In *Huckle v. Money* (1763), the House of Lords imposed exemplary damages on the state for abuse of public authority, underscoring the role of civil sanctions in safeguarding individual rights (Navia, 2005). Similarly, in the United States, jurisprudence in cases such as *Grimshaw v. Ford Motor Company* and *BMW of North America Inc. v. Ira Gore* highlighted the necessity of imposing substantial sanctions to deter grossly negligent or harmful behavior and to uphold societal interests (Schwartz, 1991; Tobar, 2011).

Critiques and Contemporary Perspectives

Despite the preventive and deterrent advantages of civil sanctions, they have been subject to considerable criticism. In continental Europe, the French Court of Cassation has consistently upheld the position that civil liability should not serve a punitive function, asserting that compensation exceeds the actual harm risks resulting in unjust enrichment (Viney, 1988). This reflects the broader reluctance of Roman-Germanic legal systems to fully embrace the punitive elements characteristic of common law jurisdictions.

In Latin America, Argentina stands out as one of the few countries to incorporate punitive damages into its legal framework. The amendment of Article 52 of the Consumer Protection Law enabled the imposition of sanctions in specific circumstances, representing a landmark development in the region (Moisá, 2008).

The Preventive Function and Its Justification in the Colombian Context

In Colombian law, the preventive function of civil liability has become an increasingly significant topic of discussion. While legal doctrine and jurisprudence have traditionally prioritized compensatory mechanisms, some scholars argue for the integration of a preventive dimension to enhance and modernize civil justice (Hinestrosa, 2015). This function is founded on the principle that preventing harm is preferable to repairing it—a concept that has gained prominence in light of the challenges posed by globalization and evolving socio-economic dynamics (Vargas, 2017).

Although civil liability in Colombia remains grounded in the Roman-Germanic legal tradition, it has begun to adopt influences from other legal systems, particularly common law. This trend is evidenced by recent jurisprudential developments that advocate for the adoption of punitive and preventive mechanisms to deter intentional or grossly negligent conduct (Corte Suprema de Justicia, 2019).

Examples of Application and Potential Benefits

The adoption of civil sanctions with a preventive function in Colombia could offer significant advantages. Primarily, it would establish a framework for corrective justice that not only ensures compensation for the victim but also penalizes the wrongdoer and serves as a deterrent against future misconduct (Cárdenas, 2020). This dual purpose is particularly pertinent in industries such as commerce and services, where the cost of repairing harm often pales in comparison to the profits derived from illicit activities (Muñoz & González, 2018).

A compelling example of this necessity arises in cases of environmental harm, where mere compensatory measures frequently fall short of addressing the broader consequences and safeguarding affected communities. The integration of sanctions with a preventive character could bolster existing regulatory frameworks and provide enhanced protection for collective rights (Cabrera, 2015).

Challenges and Considerations for Application in Colombia

Despite its potential benefits, implementing civil sanctions with a preventive focus in Colombia presents notable challenges. A primary obstacle lies in the doctrinal and jurisprudential resistance to recognizing a punitive dimension within civil liability, driven by concerns over potential conflicts with the principles of proportionality and justice (Rojas, 2016). Moreover, critics argue that introducing such sanctions may generate legal uncertainty and increase the risk of arbitrary judicial decisions (López & Ramírez, 2019).

Adapting Civil Liability to Contemporary Needs

Despite the aforementioned concerns, it is plausible to argue that a civil liability system incorporating a preventive function can be tailored to meet the evolving needs of Colombian society. The crux lies in establishing a regulatory framework that permits the imposition of civil sanctions in a manner that is proportional, equitable, and well-reasoned. Such a framework must ensure that no unjust enrichment occurs and that fundamental legal principles, such as due process and proportionality, remain uncompromised (Zavala de González, 2004).

The Preventive Function of Civil Liability as a Legal Basis for Civil Sanctions

This study does not aim to diminish the well-established compensatory role of civil liability but rather to underscore how the preventive function can complement and reinforce its objectives within a modern legal framework. As Pietro Trimarchi notes, prevention is not merely a response to unlawful acts but ideally serves to anticipate and deter them before they occur (Trimarchi, 2018). This proactive perspec-

tive highlights that preventing harm is inherently more efficient than attempting to repair it.

Civil sanctions can serve as an effective preventive mechanism. However, the implementation of such measures within a legal system like Colombia's necessitates robust normative foundations to legitimize their application. These foundations must adhere to the principles of legality and respect for individual freedoms, ensuring that the imposition of sanctions aligns with constitutional guarantees (Llamas Pombo, 2011; Stiglitz & Pizarro, 2009).

The Role and Importance of Prevention

Scholars such as Diez Picazo have asserted that the primary objective of tort law should be to minimize "accident costs," thereby optimizing the allocation of resources for both prevention and compensation (Diez Picazo, 1999). This perspective is particularly pertinent in a globalized society, where rapid technological advancements and the expansion of industries have significantly heightened the potential for harm, as highlighted by Zavala de González (1996).

The Law and Its Evolution

The legal system must evolve alongside societal transformations to remain effective and relevant. Jean Carbonnier (1974) described the law as a "living organism" that must adapt to social, political, and economic developments to adequately address emerging challenges.

Damage Prevention as a Pillar of Civil Liability

The principle of prevention within civil liability is justified not only as a normative concept but also as an essential response to the complexities of contemporary society. Francis Caballero (1979) emphasized the concept of "social responsibility," which encompasses the legal system's obligation to effectively sanction and deter harmful conduct. This view advocates for a broader scope of civil liability that extends beyond mere compensation to incorporate measures that actively promote the prevention of damage (Caballero, 1979).

Geneviève Viney (2010) posits that civil liability, in its preventive function, should operate as a corrective mechanism aimed at deterring socially harmful behavior. This perspective is grounded in the principle that the obligation to avoid causing harm inherently encompasses a duty to exercise diligence and care (Viney, 2010).

Implications in the Colombian Context

In Colombia, the preventive function of civil liability necessitates a robust legal framework that enables the exemplary sanctioning and suppression of harmful conduct. This function is particularly vital in a globalized environment, where continuous interactions between individuals and en-

tities often result in adverse impacts on the rights of third parties (Vargas, 2017).

Although Colombian law is rooted in the Roman-Germanic legal tradition, it has begun to incorporate broader interpretations of civil liability. However (Mayans-Hermida & Holá, 2022), the practical implementation of the preventive function remains constrained by significant doctrinal and jurisprudential resistance (Hinestrosa, 2015). The adoption of a more comprehensive preventive approach would require normative reforms to integrate civil sanctions as effective tools for enhancing deterrence and prevention.

Benefits of Adopting Civil Sanctions in Colombia

The traditional aim of civil liability has been to restore the victim to their pre-damage state, providing both economic and emotional compensation for the harm suffered. While this principle strives for justice, it often falls short, particularly in cases involving the violation of non-material rights (Pizarro, 1996). In this context, the introduction of civil sanctions emerges as a viable mechanism to fortify the preventive function of civil liability, effectively addressing the limitations inherent in the compensatory function.

The Colombian legal system must evolve to embrace tort law approaches that prioritize prevention alongside reparation (Viney, 2010). In this context, civil sanctions would serve not only as exemplary mechanisms but also as effective deterrents, discouraging intentional or grossly negligent conduct that undermines societal well-being (Caballero, 1979). Such measures could play a crucial role in preventing future harm and repairing the disrupted social fabric (Supreme Court of Justice, 2009).

If civil sanctions are to be implemented in Colombia, a mixed-beneficiary model is recommended. Under this approach, a portion of the sanction would be allocated to the state, representing society, while another portion would benefit the victim, thereby incentivizing private civil actions (López & Ramírez, 2019). The goal is not to impose indiscriminate penalties but to apply sanctions judiciously, based on principles of justice and proportionality, thereby avoiding impunity and bolstering public confidence in the judiciary (Trimarchi, 2018).

It is evident that the law must evolve to keep pace with societal progress and respond effectively to contemporary needs. The incorporation of civil sanctions would not detract from the core compensatory purpose of civil liability but would instead complement it, introducing a more dynamic, socially oriented approach that facilitates effective prevention in modern contexts.

Simple compensation, devoid of a preventive dimension, often fails to deter unlawful conduct and may perpetuate the impunity of acts that, while not meeting the threshold of criminal offenses, still inflict harm on the community (Pizarro,

1996). Civil sanctions thus emerge as an essential tool for regulating such behavior and protecting social order, fulfilling a role that extends beyond individual compensation to address collective interests (Vargas, 2017).

Accordingly, the principles guiding civil liability should be reoriented to encompass both reparation and prevention. While the introduction of civil sanctions has faced criticism, their demonstrable effectiveness in curbing harmful behavior that impacts broad segments of the community cannot be overlooked (Zavala de González, 1996). Reforming civil liability in Colombia is imperative to make it more dynamic, responsive, and aligned with the challenges of contemporary society.

Conclusions

Civil sanctions emerge as a potent instrument for reinforcing the preventive function of civil liability, advancing social justice, and upholding societal order. Comparative analysis reveals that while civil sanctions have achieved greater acceptance in common law jurisdictions, their integration into Roman-Germanic legal traditions is not entirely unprecedented. Notable examples include France and Argentina, which have taken significant steps toward incorporating punitive measures designed to deter egregious conduct, demonstrating the adaptability of these concepts within traditional legal frameworks.

In the Colombian context, the adoption of civil sanctions would mark a substantial step forward in the protection of citizens' rights and the prevention of harm through exemplary and deterrent mechanisms. However, such implementation must be governed by principles of proportionality and justice, ensuring the avoidance of arbitrariness and fostering legal certainty.

Contemporary civil liability must remain dynamic, evolving to address the shifting needs of society by incorporating mechanisms that emphasize not only reparation but also prevention. The introduction of civil sanctions would bolster a more comprehensive and effective approach, aligning the legal system with the demands of modern society. This evolution would not only enhance the protection of individual rights but also promote a culture of greater respect, accountability, and responsibility toward the maintenance of social order as a collective good.

References

- Abraham, D., & Zhou, Y. (2022). Preface: 3rd International Conference on Management and Education, Humanities and Social Sciences (MEHSS 2022). *Transactions on Economics, Business, and Management Research*. <https://doi.org/10.62051/yn5jff37>
- Arroyo, L. (2000). *La responsabilidad civil en el nuevo Código Civil*. Editorial Temis.
- Bacache-Gibeli, M., & Larroumet, J. (2021). Les obligations La responsabilité civile extracontractuelle. En *Tratado de Derecho civil (3ª ed.)*. Editorial Económica.
- Caballero, F. (1979). *La responsabilidad social*. Editorial Temis.
- Cabrera, O. (2015). ¡Prevenir frena daños punitivos! IDC Online. Recuperado de <https://idconline.mx/juridico/2015/11/19/prevenir-frena-daos-punitivos>.
- Carbonnier, J. (1974). *Derecho Flexible*. Madrid: Temis.
- Cárdenas, D. (2020). *Impacto de la responsabilidad civil en el ordenamiento jurídico colombiano*. Editorial La Rocca.
- Corte Constitucional. (2002). Sentencia C-554 de 2002. M.P: Clara Inés Vargas Hernández.
- Corte de Apelaciones de California. (1981). *Grimshaw v. Ford Motor Co.* Recuperado de <http://online.ceb.com/calcases/CA3/119CA3d757.htm>
- Corte Suprema de Justicia. (2019). Sentencias relevantes sobre responsabilidad civil. Recuperado de [URL de la fuente si está disponible].
- García Matamoros, L. (2003). El concepto de los daños punitivos o punitive damages. *Estudios Socio-Jurídicos*, 5, Bogotá.
- Goto, A., & Katanoda, K. (2022). Should we acknowledge ChatGPT as an author? *Journal of Epidemiology*, 33(3), 333-334. <https://doi.org/10.2188/jea.JE20220078>
- Henao, J. C. (2002). *El Daño: Análisis comparativo de la responsabilidad extracontractual del Estado en Derecho Colombiano y francés (2da reimpresión)*. Universidad Externado de Colombia.
- Hinestrosa, F. (2015). *Tratado de las Obligaciones II: De las fuentes de las obligaciones, El Negocio Jurídico (Vol. 1)*. Bogotá: Universidad Externado de Colombia.
- Jaramillo, C. (2013). *Los deberes de evitar y mitigar el daño en el derecho privado*. Bogotá: Grupo Editorial Ibañez.
- Llamas Pombo, E. C. (2011). Problemas actuales de la responsabilidad civil. En *Consejo Superior de la Judicatura – Módulo de Formación de Jueces y Magistrados*.
- López, & Ramírez. (2019). Desafíos de la responsabilidad civil en el nuevo milenio. *Revista de Derecho de Daños*.
- Mayans-Hermida, B. E., & Holá, B. (2022). Punishing atrocity crimes in transitional contexts: Advancing discussions on the adequacy of alternative criminal sanctions using the case of Colombia. *Oxford Journal of Legal Studies*. <https://doi.org/10.1093/ojls/gqac022>
- Moisá, B. (2008). Los llamados “daños punitivos” en la reforma de la ley 24.240. RCyS, Año X, N° 8. Buenos Aires.
- Muñoz, F., & González, A. (2018). *Responsabilidad civil y el análisis económico del derecho*. Editorial Palestra.
- Ordoqui Castilla, G. (2012). *Las funciones del derecho de daños de cara al Siglo XXI: Realidades y Tendencias del Derecho en el Siglo XXI (Tomo IV)*. Bogotá: Pontificia Universidad Javeriana – Editorial Temis.
- Pizarro, R. (1996). *Derecho de daños. Segunda parte*. Buenos Aires: La Rocca.
- Rojas, S. (2016). *Responsabilidad civil: La nueva tendencia y su impacto en las instituciones tradicionales*. Bogotá: Grupo Editorial Ibañez.
- Rossi, A. (1977). *La justicia y el orden social*. Mendoza: Editorial Idearium.
- Schwartz, G. (1991). The Myth of the Ford Pinto Case. Recuperado de http://www.perishablepundit.com/docs/The_Myth_of_the_Ford_Pinto_Case.pdf.
- Stiglitz, R., & Pizarro, R. (2009). Reformas a la Ley de Defensa del Consumidor. La ley 2009-B 949. Citado por: Martínez, F. En Sanciones pecuniarias disuasivas: sobre su eliminación en el proyecto de reforma y unificación del Código Civil y Comercial. Recuperado de <https://goo.gl/A89Jxd>. Revisado el 17 de marzo de 2018.
- Trimarchi, P. (2018). *La responsabilidad civil en el siglo XXI: Tendencias y perspectivas*. Editorial Temis.
- Valencia Zea, A., & Ortiz Monsalve, Á. (2002). *Derecho civil: Parte General y Personas (Tomo I)*. Bogotá: Editorial Temis.
- Vargas, J. (2017). *La responsabilidad civil en el contexto moderno*. Editorial Temis.
- Viney, G. (1988). *Traité de Droit Civil, Les obligations: La responsabilité: effets*. París: LGDJ.
- Viney, G. (2010). *Tratado de Derecho civil: Introducción a la Responsabilidad (1ª ed.)*. Bogotá: Universidad Externado de Colombia.
- Zavala de González, M. (2004). *Actuaciones por daños: Prevenir, Indemnizar, Sancionar*. Buenos Aires: Editorial Hammurabi.

Conflicts of interest

The authors declare that they have no conflicts of interest.

Author contributions

Ivan Andraus Quintero: Conceptualization, data curation, formal analysis, investigation, methodology, supervision, validation, visualization, drafting the original manuscript and writing, review, and editing.

Data availability statement

The datasets used and/or analyzed during the current study are available from the corresponding author on reasonable request.

Statement on the use of AI

The authors acknowledge the use of generative AI and AI-assisted technologies to improve the readability and clarity of the article.

Disclaimer/Editor's note

The statements, opinions, and data contained in all publications are solely those of the individual authors and contributors and not of Journal of Law and Epistemic Studies.

Journal of Law and Epistemic Studies and/or the editors disclaim any responsibility for any injury to people or property resulting from any ideas, methods, instructions, or products mentioned in the content.