

# **Compensation for non-material damage in the event of injury and death in collateral proceedings**

## **Abstract**

The thesis deals with a very current topic of compensation for non-material damage in the event of injury and death in collateral proceedings. The thesis also contains chapters, that focus on an injured person and collateral proceedings, which are concepts directly connected to the main topic of the thesis. The thesis contains the definition of an injured person, rights and obligations of the injured person in the criminal proceedings and also the definition of collateral proceedings and its process. In particular, the thesis focuses on the compensation of non-material damage in the event of injury and death according to § 2958 and 2959 of the Civil code. The thesis also describes the current judicial decisions of criminal courts in the area of compensation for non-material damage in the event of injury and death in collateral proceedings. The thesis is composed of four parts.

The first part of the thesis deals with the injured person. It contains the concept of an injured person and its legal definition. The rights and obligations of the injured party in criminal proceedings are also briefly described in this part.

The second part of the thesis focuses on collateral proceedings. This part contains the definition of collateral proceedings and its process.

The third part of the thesis deals with compensation of non-material damage in case of injury pursuant to § 2958 of the Civil code in collateral proceedings. This part describes the difference between the previous and current legal regulation, as there has been a fundamental change in the area of compensation for non-material damage in case of injury since January 2014. Special attention is also paid to the Methodology of the Supreme Court, which sets out a procedure for determining the amount of damages payable in case of an injury. This part also describes the current judicial decisions of criminal courts in the area of compensation for non-material damage in the case of injury. Included are also *de lege ferenda* proposals for possible amendments to the law of in the area of non-material damage in the case of injury.

The fourth part of the thesis focuses on compensation of non-material damage in case of death pursuant to § 2959 of the Civil code in collateral proceedings. This part describes the difference between previous and current legal regulation as there has been a fundamental change in the area of compensation for non-material damage in case of death since January

2014. Special attention is also paid to the judicial decisions of criminal courts in this area in collateral proceedings.

The aim of the thesis is to describe current legal regulation in the area of compensation for non-material damage in collateral proceedings and current judicial decisions of criminal courts in this area in collateral proceedings and also to provide the proposals for possible amendments to the law in this area.

**Key words: the injured party, collateral proceedings, compensation for non-material damage**