

Abstract

Prerequisites for the obligation to compensate for personal injury from the provision of health services

This rigorous thesis is aimed on prerequisites which must be fulfilled in order to qualify for the compensation for the personal injury, taking into account the specifics that are related to the provision of health services. In case of dispute is the most difficult to prove infringement of the doctor and the causation between the infringement and subsequent damage. For this reason, together with the personal injury part, this is the core of this thesis.

In this thesis, I first focus on civil liability in general and build on the issue of civil liability with regard to the provision of health services. There is also a chapter dedicated to health services and directly embedding this area in the legislation. The other parts are divided according to the individual assumptions of the obligation to compensate for personal injury, namely the infringement, the personal injury, the causation and the culpability. In each section, I try to bring the assumption on a general level and consequently with regard to the specifics that are associated with the provision of health services. The third part deals with the first assumption, it is an infringement. In connection with the provision of health services, I deal with this part in particular with the *lege artis* and its definition, which I try to bring to the jurisprudence of the courts. The fourth part deals with the personal injury and the broken down between material and non. The chapters are focused on different types of claims, the conclusion contains an analysis of the issue of claims of secondary victims. The fifth part of this thesis concerns causation. Attention is devoted to proving causation due to disputes relating to compensation for personal injury incurred in the provision of health services the patient is in a complicated procedural situation. For this reason, in this section I am devoted to the possibilities to prove the personal injury in this case. The last sixth part deals with the culpability. Demonstration of this premise is not a key issue in this type of dispute and therefore no more attention is paid to it.