

Abstract

This thesis deals with the legal regulation of immaterial harm (non-pecuniary loss) in civil law with a necessary extension to other spheres of private and public law. Immaterial harm reflects the personal loss caused by the infringement of human personal rights or other natural rights protected by law. There is no possibility of objective pecuniary evaluation in comparison to the material harm (damage) and so there is no potentiality to recover damages easily.

The main goal of the thesis is to compose crucial issues regarding immaterial harm. The thesis uses mainly analysis of primary and secondary sources such as legal regulation, professional literature and judicial decisions.

The immaterial harm is linked to the two main areas of law: 1) tort law and 2) the protection of person and personal rights. So the thesis is divided into two parts for that important reason.

The first part of the thesis deals with the common regulation of the immaterial loss. Legal provisions encompassing immaterial harm are regulated in the first chapter. Next chapter explains tort law: a wide area including immaterial harm. The third chapter focuses on concept of civil tort; there is an important issue in connection with recodification. The fourth chapter deals with liability in general: this term was replaced by obligation to compensate for a loss.

The concept of harm is generally found in chapter five. The sixth chapter deals with material harm (damage) concerning substantial differences between damage and immaterial harm.

The crucial chapter of the first part is chapter seven: the immaterial harm. After approaching the topic there is a short brief comparison with the previous law. This is followed by a large concept of prerequisites for a rise of the obligation to compensate for a loss. A significant part on assertion of claims for compensation of immaterial harm ensues: the just compensation is one of the most difficult issues in civil law.

The second part of the thesis deals with the various kinds of immaterial harm from the point of view of the significance of protected rights. The concrete judicial decisions are mentioned in this chapter.

The chapter 8.1. introduces immaterial harm in connection to natural rights, which are linked with human personality. It is a protection of legal rights such as life, health, human dignity, personal honour, good reputation, respect to a person in the society, name, personal data,

personal image, family life, marriage, family, private life, habitation and other private premises.

The chapter 8.2. deals with the specific immaterial harm: harm to the environment.

There are additional significant sources of law regulating immaterial harm in the chapter 8.3.

The chapter 8.4. describes immaterial harm caused by unlawful decision or failure to observe the correct procedure.

The final chapter (9.) analyses de lege ferenda law: there are various future points of view and possibilities outlined.