

## ***Abstract***

The objective of this thesis is to analyse the liability in civil law, mainly from the prospective of individual preconditions that together result in such liability for inflicted harm.

The text is divided into nine parts including introduction and conclusion. The first part comprises the analysis of the legal term of liability from the prospective of existing theoretical concepts, then the approach as set forth under Act no. 89/2012 Sb, Civil Code, as amended (hereinafter referred to as “Civil Code”) and the author’s own approach is presented at the end of this part.

The next part discusses in details the preconditions of liability for harm and then the sets of preconditions that together result in such liability are analysed. The author calls these sets as liability systems, as they are actually a variant of the objective and subjective liability. A separate chapter is dedicated to the objective liability. A separate chapter is also dedicated to the division of types of liabilities such as for defects, harm, default, etc., as this is crucial for the discussed topic.

Next parts focus on individual preconditions for liability for harm, namely on violating legal obligations and relevant damage, harm, causality and fault as on the precondition typical for subjective liability, i.e. liability for fault.

The third part deals with illegitimacy and relevant damage, where mainly the violation of legal obligations incl. proprieties and standard care and legal relevant damage in some cases of objective liability are discussed.

The fourth part is dedicated to harm; it comprises the definition of a harm and presents individual forms and categories of harm such as material and nonmaterial damage and individual types of material damage. Also some specific issues such as pure economic damage or direct and consequential damage are discussed.

The fifth part deals with a very interesting issue, namely the causality as legally relevant relation between illegal acts or relevant damage and the harm as the result of these causes.

The sixth part deals with the term of fault, individual forms and levels of fault, capability of illegal acts, i. e. capability of fault. Last two chapters of this part discuss the liability for random events (*casus mixtus*) and presumption of fault.

The seventh part analysis the elements of liability for harm under the Civil Code. Firstly, a comparison of approaches to preconditions of liability for harm in Civil Code and in previous legal regulations is made; secondly legal regulations in terms of individual liability merits, i.e. tort liability and its two basic merits such as proprieties and law, and violating contracted obligations are analysed.

The conclusion sums up the research results as described above. It also compares the content of preconditions of liability for harm within tort liability on one side and contractual liability on the other.

**Key words:** liability, harm, Civil Code