

Summary

The main purpose of this thesis is to provide a general overview of the problem of compensation for material and immaterial damage under the new Civil Code and also provide a systematic orientation for public. This thesis describes the basic principles and trends in the vast areas of this institute, points out differences in the amount of awarded compensation and refers to the relevant case law. Of course, the basic point of view on this issue is a comparison of the “new” and “old” Civil Code. My intention is to describe the new Civil Code focusing on differences from the old one.

While the system of material damage and its compensation remain mostly the same, legal regulation of immaterial continental law system, by judge made decisions. In recent years, an increase of disputes to protection of personality can be seen and it also increase trend granted compensation as well. Since the new Civil Code came into force at the beginning of 2014, it is sure that this trend will continue.

The first chapter of this thesis deals with basic institutes damage is very different. So far it has been mostly settled, in the framework of compensation for material and immaterial damage in general. The following chapter is focused on description of one of the most important parts of private law, thus the preventive obligations. In the second chapter I describe in detail and answer questions related to compensation of material damage. The third chapter discusses the non-pecuniary loss, the part that is most different from the previous regulation. In the next part I describe the circumstances of exclusions and limitations of liability. The fifth chapter is devoted to special cases of damages. As it is usual in the continental law system, a special treatment applies on many situations in which the injury arises. This most extensive section is divided into 26 chapters. In the last chapter I point out differences between the Civil Code, Labor Code and Act No. 82/1998 Coll., on Liability of Public Authority for Damage upon the Illegal Decision or Incorrect Official Procedure.

I am well aware of the fact that it is a huge task to describe the whole area of compensation of material and immaterial damages but I hope this thesis provides readers with enough information and a shed light on most of the problems.