

Damages for personal injury in the Czech Republic and in a comparative perspective

Abstract

This thesis deals with the issue of compensation for personal injury in the Czech Republic and, from a comparative perspective, in German and Slovak legislation. Analyzing the corresponding clauses of the Civil Code and the Supreme Court Guidelines, attention is given to the scope of the breach of the victim's personal integrity and methods determining its monetary compensation. Further related questions are likewise examined. The thesis explains the approach of the Czech legislation towards the possibility of a transfer of entitlements to a third person, the conditions for the statute of limitations for damages for personal injury, and the relationship of monetary compensation and marital community property. Concerning the recodification of private law, which has also affected the regulation of damages for personal injury, the thesis also presents an overview of the particular substantial changes that were brought by the new Civil Code entering into force. The thesis further deals with compensation for personal injury within criminal proceedings. It analyses the relevant clauses of the Penal Code and brings a systematic overview of the so-called adhesion procedure, which deals with the victim's claims in the case a criminal act caused the given personal injury. The thesis examines the position of the victim in criminal proceedings, the basic principles governing the adhesion procedure, and the terms for court decisions in this procedure. Special attention is given to the compensation for personal injury in German and Slovak jurisdictions. Analyzing the corresponding regulations in these jurisdictions and comparing them with Czech regulations, a systematic comparison is presented. The goal of the thesis was to bring a coherent overview of the subject matter, to show strengths and weaknesses of the current legal situation, with a particular attention given to a construction of a systematic overview of regulations concerning compensation for personal injury in Czech legal system, vis-à-vis the legal systems of Germany and Slovakia.