

Animal and duty to provide compensation for damage

Abstract

As of 2014, an animal is no longer considered a mere thing within the Czech legal system. The legislator thus responded to society's changing attitude towards animals. Animals have gained in importance also in private lives. It is not exceptional for an animal to take on a role of a close companion today. However, due to their unpredictability animals often find themselves out of human control. Consequently, damage to legally protected goods often occurs.

This diploma thesis concentrates on damage caused by an animal as well as damage caused to an animal. The aim of the thesis is to provide a complex insight into the legal regulation of compensation for the damage in question and to evaluate whether the regulation adequately reflects the special nature of an animal as a living creature, especially in the context of dereification of animals.

The thesis is divided into four chapters. The first chapter is devoted to an animal and its legal status. First, the chapter focuses on the conceptual definition of an animal. Subsequently, the phenomenon of dereification of animals is discussed. The chapter identifies interests pursued by the dereification of animals and rejects the notion of dereification as a mere proclamation without practical consequences. The second chapter maps basic rules and principles of the legal regulation of compensation for damage in the Civil Code. Together with the first chapter they serve largely as theoretical bases for the third and the fourth chapter, which can be described as key chapters. The third chapter provides a deep insight into the legal regulation of compensation for damage caused by an animal. The chapter clarifies deviations from the general regulation of compensation for damage and analyses the legal regulation concerned depending on what animal caused the damage. Special attention is paid to persons who are to provide compensation for damage caused. The fourth chapter deals with the legal regulation of compensation for damage caused to an animal. Its first part pays considerable attention to the special regulation of the extent of compensation for an injury of an animal. The second part of the chapter examines compensability of non-pecuniary damage caused to an owner by disrupting an emotional relationship with his animal.

Keywords: damage caused by an animal – damage caused to an animal – dereification of animals