

Compensation for non-pecuniary damage in case of death

ABSTRACT

The diploma thesis deals with the analysis of institute of compensation for non-pecuniary damage to the secondary victim in the event of the death of the primary victim. The aim of the thesis is to analyse the peculiarities of the functioning of the institute for compensation of non-pecuniary damage in the event of death, to identify the current problems of its development and to propose ways of solving them. The first chapter describes the circumstances and history of the establishment of the institute for compensation for non-pecuniary damage, which dates to ancient times, then sets out the development of the institute through the Middle Ages and the modern era to the present day. The second chapter is about the concept of "non-pecuniary damage", its definition and specifying the types of this damage that exist. It focuses on mental suffering, what role they play in a person's life and what effect their experience has in determining the amount of compensation. Then the institute of compensation for non-pecuniary damage is described within the framework of Anglo-Saxon and Romano-Germanic law. The distinction between primary and secondary victims is also presented. The third chapter is devoted to the development of the institute of compensation for non-pecuniary damage in the Czech Republic, the types of proceedings are described: criminal, administrative and civil. The issue of criminal and administrative proceedings is outlined, mainly focusing on civil law issues. Next, the Methodology of the Supreme Court of the Czech Republic for compensation for pain and difficulty in social application is analysed, where it was found that the Czech legal system does not sufficiently reveal the structure of moral and physical suffering, which is the basis for compensation to victims for caused non-pecuniary damage. At the same time, it was deduced that there are currently no clear legal criteria for determining the amount of compensation, which may encourage some dissatisfaction in Czech society. Attention is also paid to the case-law of the Supreme Court of the Czech Republic. The fourth chapter discusses the international experience of applying the non-pecuniary damage compensation institute in selected countries: the United Kingdom of Great Britain and Northern Ireland, the United States of America, the Federal Republic of Germany, and the French Republic. The conclusion contains a summary of the thesis, and some recommendations are proposed, the adoption of amendments in which the criteria for determining the secondary victim, reasons and principles for calculating compensation will be established.

KEYWORDS

non-pecuniary damage; secondary victims; mental suffering