

Compensation for injury to the natural rights of man (Section 2956-2968 of the Civil Code)

Abstract

This diploma thesis introduces the concept of the institute of compensation for immaterial harm to the natural rights of man in Act No. 89/2012 Coll., Civil Code. The main aim of this thesis is to provide a basic, comprehensive insight into the issue of compensation for harm to the natural rights of man and to present the opinions and thoughts of members of the legal community and my own on some of the widely discussed subtopics. The thesis also analyses the most important changes that distinguish the current regulation from the regulation contained in Act No. 40/1964 Coll., Civil Code. The thesis is based on commentary literature, relevant publications and recent as well as older case law of the Czech courts.

The first chapter focuses on the regulation of natural rights, first briefly at the constitutional level, which is important for understanding the solid foundation of natural rights in the legal system. This is followed by the regulation at the civil law level, which is contained in first part of the Civil Code. Furthermore, the thesis examines the institute of liability for damage, the prevention of damage and the basic prerequisites required for the occurrence of damage. The institutes come together in Chapter Three, where the general concept of compensation for injury to natural rights of man is discussed. The most important and extensive part of the thesis is devoted to compensation in the event of injury to health and the death. Within this chapter, the partial claims of the injured party (pain, deteriorated social position and other immaterial harm), the method of determining their amount and the related Methodology of the Supreme Court for the compensation of immaterial harm to health are discussed. It is followed by the issue of secondary victims and compensation for costs related to health care and funeral. The last chapter of this thesis is devoted to pecuniary benefits, to which the injured party is entitled if the legal prerequisites are met and the plaintiff is obliged to provide them in the form of a cash pension.

Key words: natural rights of man, immaterial harm, injury to health