

Compensation for non-pecuniary damage in case of interference with the physical and mental integrity of a person

Compensation for other non-pecuniary damage

Abstract

The dissertation focuses on compensation for non-pecuniary damage in case of interference with the physical and mental integrity of a person. More specifically, it deals with the issue of compensation for other non-pecuniary damage. Other non-pecuniary damage represents a category of non-pecuniary damage introduced into the Czech legal system with the entry into force of Act No. 89/2012 Coll., the Civil Code, on 1 January 2014. The main purpose of this dissertation is to analyse the concept of other non-pecuniary damage, to clarify its position alongside the traditional categories of pain and impairment of social functioning, and to provide guidelines for determining their content and the correct application and assessment of related claims.

The present work is structured into three main chapters. The first chapter is devoted to the general concept of health, the definition of health, the definition of health as a personality right, or as a good protected by the general personality right. The second chapter focuses on the hypothesis of § 2958 of Act No. 89/2012 Coll., the Civil Code, or the fulfilment of the hypothesis. The right to compensation for other non-pecuniary damage presupposes personal injury. The third and central chapter deals in detail with other non-pecuniary damage as a separate category of personal injury. The dissertation defines other non-pecuniary damage both in relation to pain and impairment of social functioning, and as a completely distinct category with the potential to respond to the diversity of human personality and the related variety of possible consequences of health interference. It describes the tension between the need for objectivity in assessing claims for compensation for personal injury and the need to take into account the individual aspects of each case, which is particularly evident in the available case law. Therefore, a considerable amount of attention is devoted to the decision-making activities of the courts. The main aim of the dissertation is to emphasize the goal of compensation for personal injury. Its objective should be the achievement of full compensation, or full and complete redress. It should not be the elimination of a particular category of damage.

The dissertation presents a comprehensive analysis of the issue of other non-pecuniary damage in the context of compensation for personal injury under Czech law. It provides not only a theoretical analysis of this particular legal category, but also practical recommendations for its application.

Key words: personal injury, other non-pecuniary damage, compensation.