

## **Summary of thesis**

### **Liability for damages in civil law**

Thesis is focused on the issue of liability in civil law, which is discussed in particular on general issues of the institute and then the work is focused on general liability, as it deals with the provisions of Section § 420 Civil Act. The work is therefore not mentioned on the variation of law liability in the Act No. 513/1991 Coll., as amended, the commercial code, nor the concept of liability arising in the context of labor relations, ie arrangements contained in the Act No. 262/2006 Coll., the Labor Code.

The theme of work is quite theoretical, particularly in terms of understanding the very concept of liability in civil law, its function, but also the time when the issue of liability and in particular in the setting of preconditions for the emergence of liability. The work also deals with co-attributable, and a situation in which one causes more damage from pests, in particular as regards the extent of damages, among the pests. Theoretical work is compensated by page references to case law and analysis of some interesting case law, which come mainly from the Supreme Court.

The aim of this work is mentioned, and compare the views of individual authors, who are closer to the above issue and deal with these views then subsequently assessed. Work of course reflects a new Civil Code and seeks to existing legislation to assess the relevance of the proposal, also focuses on a comparison of general issues and principles of liability in the context of relationships, and to compare the current legislation and draft new Civil Code, concerning the general liability.

This also mention that the current change in civil law, act. No. 40/1964 Coll., as amended, legislation based on the notion that civil law should govern, in particular property relations between citizens and state and between citizens themselves. In contrast, the draft Civil Code is viewed as the basic code of private law, which covers an area the rights of people (personality, legal capacity), family relations, an area of absolute property rights (ownership, possession, slavery, inheritance law) and the relative rights of property ( liabilities). The proposal is to achieve the unification of private relationships so that the new civil code became the standard modern code of private law.

Introductory part of the thesis is devoted to general principles of liability. The second chapter deals with the prevention of damages in civil law. Nowadays, especially on preventing places great importance, since law as such, would not only address the consequences of anti-social behavior, but it would not be interested in preventing violations of legal obligations. Moreover, surely it is always better to try to prevent

damage and harmful effects of human behavior than the then tackle difficult quantification and compensation. In the third chapter included a presentation of the general assumptions of liability including breach of legal obligation, damage, causal link between the breach of legal obligation and the damage and have essentially the fault. It is important to bear in mind that a breach of legal obligation is not only when their behavior violating the mandatory rules, but if their behavior goes around a sense of legal norms. The concept of damages in the Civil Code is not defined anywhere, but in many places with this concept meet. Fault is the subjective assumption of liability for damage. The following chapter focuses on the potential liability entities. Furthermore, this work deals with the scope and manner of compensation. The sixth chapter is devoted to exercise the rights of the liability, including possible extrajudicial resolution. The next two chapters, we discuss the limitation of rights, liability and joint liability of multiple pests. The following chapter focuses on the adjustment of general liability, including examples of this type of responsibility.

Topic liability I chose in particular because the legal concept that I consider particularly important in practice, often occurring. I think that, sooner or later each of us faced with the question of liability in their lives, either on the victim, or pests. Therefore it is important to institute with the more familiar.

**Key words:** odpovědnost - liability, škoda - damage, náhrada škody - damages, zavinění - fault, ušlý zisk - loss of profits