

Abstract

This Master Thesis deals with institute of monetary satisfaction as a legal tool for the protection of personality under civil law. The aim of this thesis is to give a comprehensive explanation of the Institute of monetary satisfaction. This work uses descriptive and analytical method. The work is composed of six chapters; each chapter is dividend in several subchapters.

The right of personality protection is a fundamental right of every individual that guarantees his or her dignified existence and free development in society. The Czech Republic provides a modern legal regime for the protection of personality since 1990, when the Civil Code has been amended.

Protection of personality is regulated by the Civil Code in sections 11 to 16. In Section 13, the Civil Code expressly grants four types of civil tools for protection of personality – the right of retention, the right to restitution and the right to adequate satisfaction that can take either moral or material form.

In serious cases of violations of personality rights, the monetary satisfaction is the only sufficient and therefore effective and fair remedy for the immaterial injury on personality of affected person that has been caused by the unlawful interference into his or her personality.

The monetary satisfaction as a legal mean of the protection of personality fulfils two basic functions in society – satisfactory and preventive function. In some cases of the most intense violation of personal rights, legal theory and judicial practice concludes also punitive function.

Among others this paper also deals with issues related to determining the amount of monetary satisfaction, including the conditions for determining the amount in a particular case, and the issue of prescription of the claim for monetary satisfaction and related case law. The work also includes insight into the regulation of protection of personality and a monetary satisfaction in the draft of the new Civil Code.