

## Summary

Life and health represent the most precious values of each human being. Unlawful encroachment upon these values, which can occur in the health care service, is connected with civil liability. Monetary compensation for immaterial damage has been a neglected legal institute for a long time under Czech law. It is divided into two systems now, a protection of personal rights and reimbursement of the damage. This legal area is not easily understandable to legal professionals, let alone to lay men.

The purpose of this thesis is to analyze the up to date state of assessment of immaterial damage and to evaluate its pros and cons. It deals with the types of infringement of personal rights which can occur in the health care service, and subsequently, it describes the systems under which the immaterial damage is reimbursed. Concurrently, I focus on the way of determination of the monetary compensation of the immaterial damage, the amount of monetary compensation actually awarded under Czech law and I evaluate adequacy of such compensation.

This thesis is divided into four chapters. Chapter One provides theoretical grounds for the rest of the text, a specification of essential terms and definitions which shall be used in the text later.

Chapter Two deals with one of the systems of compensation for immaterial damage which is the protection of personal rights and with the monetary compensation awarded under this system. It describes particular objects of the personal rights in medical law cases. Consequently, the chapter is concerned with evolution of the monetary compensation institute, positions and principles relevant in its assessment and the sole function of the monetary compensation. Last but not least, this chapter presents the amounts of damages actually awarded in the trial and the factors which influence the level of the compensation.

Chapter Three is dedicated to the second compensatory system which is reimbursement of the damage. It specifies which types of damage are reimbursed under this system and which liability schemes apply there. This chapter, however, especially concentrates on the evolution and method of determination of monetary compensation for various types of immaterial damage.

Chapter Four attempts to critically evaluate particular consequences of the actual legislation and judicial practice in the area of compensation for immaterial damage. Finally, the proposal of a new Civil Code is assessed from the same point of view.