

Immaterial harm in civil law - Abstract

My thesis is focused on immaterial harm in civil law. It is a topic nowadays broadly discussed because its creation is most often associated with interference in the personal rights and its consequences are very severe. The aim of my thesis is to provide a comprehensive overview of the possibilities of creation immaterial harm and the ways of remedying its consequences. The work deals with the effective legislation, meaning mainly the Act No. 89/2012 Coll. Civil Code (hereinafter „the new Civil Code“). In some parts of my work is pointed towards now ineffective legislation of Act No. 40/1964 Coll. Civil Code from the year 1964 which is significantly different from the new Civil Code.

The first chapter defines the basic terms associated with the topic of immaterial harm.

The following chapter discusses the development of creation of immaterial harm in our area and describes the reasons for the necessity of protecting the personal rights and also creation of obligation to compensate for losses by unlawful encroachments.

The third chapter deals with individual partial values of human personality and evaluates its regulation and protection method. Associated with each term is given its definition and terms of exercising their protection.

The fourth chapter is concerned with the topic of special actively legitimated person, namely a legal entity. The legal entity may in some cases exercise the right to protection of personality for the harmed person if that person is its member or is in similar relationship with it.

The merit of my thesis is contained in chapters 5 and 6. The fifth chapter deals with conditions of the creation of obligation to compensate immaterial harm and also discusses cases in which this obligation does not arise. The sixth chapter is devoted to the specific claims of the harmed person. A large part of this chapter is devoted to compensations for physical injuries and even for death, namely to pain and to disfigurement. The Civil Code from the year 1964 is here compared to the new Civil Code.

The penultimate chapter describes the special cases of creation of immaterial harm, pointing out the fact that immaterial harm may occur otherwise than by unlawful encroachment to the personal rights.

Finally, the last chapter concludes the topic by defining additional terms related to the immaterial harm, namely contractual limits in its creation, actively and passively legitimated entities and the limitation of actions.