

Material satisfaction of immaterial loss in Czech private law (summary)

The purpose of my thesis is to analyze the moral and material satisfaction in Czech civil law. I wanted to provide a deep interpretation of these institutes which represent an important phenomenon in our time. The importance of protection of personality increased in the 20th century in connection with development of human and personal rights. In last years also according to mass media and global society. My aim was not only to give the interpretation of basic institutes and instruments of protection of personality but also to show more extensive circumstances of this topic, set into relevant judicial cases and European aspects.

I quit the part regarding constitutional law which creates a basis for another law adjustment and other basic grounds because I have already dealt with them in my previous dissertations.

Chapter one attempts to provide an introduction to the topic of my dissertation giving overview of all chapters.

Chapter two and three are denoted to the basic institutions relating to the protection of personality, moral and material satisfaction. They show the meaning of the institutions and also give readers the introduction to these problems.

Chapter four provides an important introduction to the history of protection of personality. It is necessary to understand following interpretation. Deeply is focused on the period of time before 1989.

Chapter five is subdivided into four parts and provides main information of my thesis. Part one focuses on criminal law especially on the position of injured person, his claims and rights. Everything is set into a framework of criminal proceedings. Part two addresses the issue of administrative law. Claims arising from unlawful decision or maladministration which are compensated by the state, namely by the Ministry of Justice. Part three deals with civil law, it namely characterizes

section 13 of the Czech Civil Code which presents the most important part of the protection of personality in our law system and section 444. Part three gives detailed view of meaning the protection of personality, conditions of responsibility, encroachment upon the right of an individual, reasons excluding from wrongful act, right of criticism and criticism of public persons, casual link and release, subject of responsibility, civil recourses of the protection of personality. Civil resources cover refraining from encroachment, restoration of effects of encroachment, moral satisfaction, monetary satisfaction and its amount. Consequently damage to health and its relationship to the protection of personality. Killing an individual and remedies. Recovery of future claims and courts right to reduction of compensation. Part four of this chapter is concerned with special adjustment which is set in another laws.

Chapter six focuses on the concept of immaterial loss in delictal law and distinction between monistic and dualistic system of law.

Chapter seven regards the problem of wrongful birth and wrongful life which are commonly known in German law but quite unique in the Czech republic. I also comment on one czech case.

Chapter eight called punitive damages is consequently subdivided into parts concerning historical aspects, concept of punitive damages and economical analysis. I also take care of aggravated damages and exemplary damages which differs to punitive damages.

Chapter nine relates sociological research of the protection of personality and monetary satisfaction. I draw my inspiration from American legal studies, namely American legal realism and prepared the research which was made from the perspective of judges, students of Law faculty, Charles University and laypersons.

Chapter ten bears on presumptions of remedying of protection of personality.

Chapter eleven illustrates the aspects of time perspective.

Chapter twelve presents the theme of my thesis according to the new Czech Civil Code.

Chapter thirteen deals with Principles of european tort law.

Chapter fourteen recommends changes to be made in legislation.

Chapter fifteen gives the conclusion of my thesis. I sum up some tendencies which can be seen in the Czech republic. These are relating to the behaviour of persons, distiction between monetary compensation in different areas and opinion on new Civil Code.