

ABSTRACT

The diploma thesis focuses on the approximation of law of compensation for bodily harm and death, and evaluation of its development especially in connection with the recodification of private law. The main objective of the thesis is to provide a comprehensive overview with emphasis on the most significant changes that occurred in connection with the recodification, and its evaluation.

The first chapter deals with theoretical basis of the duty to provide compensation for harm, since the formation of such a duty is a prerequisite for granting compensation. Besides the reasons that lead to the formation of the duty, individual pre-conditions of the duty are discussed as well. These pre-conditions are unlawful act, formation of the damage, causality and fault.

The second chapter deals with the concept of harm which replaced the previously more often used term damage. In addition, the second chapter also includes a general introduction to the compensation for bodily harm and death, which is related to the following chapters.

The third chapter is a key point of the whole thesis, as the recodification of private law influenced the most compensation of non-pecuniary damage for bodily harm and death. The principle of full compensation for suffered harm, hence the expiation of such harm according to the principles of decency was newly established. The chapter is primarily divided in terms of the persons to whom the compensation is granted. It is further divided within this division into subsections dealing with individual sub-claims and manner of determining the amount of compensation. Regarding the claims of the primary victim, the claims for suffered pain, social impairment and other non-pecuniary harm are discussed. More attention is paid to the Methodology of the Supreme Court for compensation for pain and social impairment. In relation to the secondary victims, the thesis focuses especially on their right to compensation for mental suffering.

The last chapter, a chapter with number four, is dedicated to claim for compensation for material damage, which can occur in connection with bodily harm or death.