

As it is apparent from its title, the overall aim of this study is to analyse the theoretical conception of just satisfaction. Satisfaction is a type remedy which is being awarded for non-pecuniary loss, i.e. for loss on all rights other than those which a person can own or translate. In this work I look at (1) basic categories of the conception of just satisfaction and (2) on their mutual relation. Then I also ask, (3) when it is possible to award just satisfaction, (4) what kind of non-pecuniary loss a claimant can sue, (5) how it shall be repaired, and finally (6) under what circumstances the award of just satisfaction can bear punitive or preventative function.

This study is divided into nine chapters. First I look at linguistic and juristic meaning of the notion satisfaction (chapter 2 and 3). Then, I delve into the system of delictual liability and the role of just satisfaction in this system. Here I also use a comparative method of research. In this system I ask on the relation between negligence and strict liability. In the same, third chapter I look for and analyse basic characteristics of just satisfaction in relation to damages. This brings me to more basic question on the elementary conditions from which the remedy in question and also damages in general can arise. Thus in the fourth, longest chapter I analyse general and special conditions for the assessment of damages and their relation. I focus, inter alia, on the question of culpability, causation and preventative duties. The final part of this chapter and whole of the next fifth chapter investigate an important change to the conception of causation that was introduced by the Civil Code, i.e. a protective purpose of a norm. I also analyse the principle of foreseeability and its relation to the protective purpose doctrine. In this chapter I use both comparative and historical methods of research. Subsequently, after I describe basic categories and preconditions of remedial awards, I turn back to the specific characteristics of the awards for non-pecuniary damages in the sixth chapter. In addition, I develop a method how to easily identify these preconditions and which shall establish the scope of reparable non-pecuniary loss. This is being followed in the seventh chapter where I use this method in practice, and I make a detailed list of relevant statutory provisions for the preconditions of just satisfaction. In the eight chapter I first explain in what form the just satisfaction can be awarded, and then I ask on its functions. Here I primarily focus on the preventative and punitive function. At the end of this chapter, I answer the question on doctrinal acceptability of these function in the new Czech civil law. Finally, in the last ninth chapter I conclude all important findings of my research.