

Summary:

The main goal of the thesis is to compare the legal basis of compensation for corporal damages and compensated types of damages linked to corporal damages in the Czech and French legal systems. It aims not only to evaluate the benefits of each of the systems for victims but thereof to evaluate the ability of each system to counterbalance on the one hand the opportunity of the judge to consider the circumstances of each individual case and the sums therefore awarded, on the other hand the predictability of decisions for victims, without the excessive formality of the decision. At the end I consider the French legal institutions linked to this issue that could be the source of inspiration for the Czech legal practice.

In the first chapter, I compare the theoretical basis of legal responsibility in both chosen legal systems and its influence on legal practices of compensation for corporal damages. These theoretical differences have essential consequences for practices of compensation for corporal damages in both legal systems. An example of this fact are different requirements for proving the causation link or the different role of application of the liability because of things that have essential consequences to victims' status in a case of disputes over compensation for corporal damages.

The aim of the second chapter is to compare the legal basis of compensation for corporal damages in each of the legal systems. Therefore, this chapter evaluates not only the statutory regulation of this issue but also the role of jurisprudence and subsidiary methodologies for compensation of corporal damages in the Czech Republic and in France. For the issue of compensation for corporal damages, the jurisprudence and the subsidiary methodologies have an essential role, in particular in French legal system. Its sophistication and the fact that they are elaborated directly by courts could be the source of inspiration for the Czech legal system in this area.

The topic of the last chapter is the comparison of individual types of corporal damages compensated by the courts in both systems to direct and indirect victims. Even if the French legal basis can seem essentially more beneficial for victims, the Czech courts can often compensate victims for same types of damages. Nevertheless, in French law, the types of damages are more specifically defined which contributes to legal certainty as French judges have a duty to consider appropriateness of the compensation for each of these damages. Therefore, the elaboration of subsidiary methodologies by judges and detailed definitions of

various types of corporal damages could be the main sources of inspiration for the theory and practice of compensation for corporal damages in the Czech Republic.