

ABSTRACT

This thesis is focused on immaterial harm in civil law. An immaterial harm is very topical issue, especially because it arises primarily through interferences with personality rights and the persons concerned feel this harm more intense than material damage. The thesis tries to give a comprehensive overview of all aspects of immaterial harm. It's based on effective legislation, especially the Law no. 89/2012 Coll., Civil Code.

In the first part the thesis deals with the theoretical description of immaterial harm and the definition of the basic terms connected with it. The current relevant legal regulation and an overview of the historical development of the legal regulation of immaterial harm with an emphasis on the territory of the Czech Republic are presented here. Part of the theoretical part is also an overview of the changes that occurred in the law of immaterial harm in 2014 after the entry into force of the new Civil Code. This is followed by the analysis of the assumptions that are a prerequisite for the right to compensation for the immaterial harm suffered, including exceptions and related institutes.

The second part of the thesis deals with individual components of personal protection. Apart from the specific personal rights, it also includes special institutes and areas of immaterial harm (loss of pleasure from holidays, immaterial harm of legal persons, immaterial harm caused by unfair competition).

The third part of the thesis contains a discussion of the individual claims arising from the immaterial harm. Thesis devotes the greatest attention to compensation for damages to human life and health. That's why it contains an analysis of the Methodology of the Supreme Court to compensate immaterial harm to health. Methodology is a non-binding document that helps judges to determine the amount of compensation for life and health damage. Furthermore, the purpose of it is to unify decision-making practice. The context that led to the establishment of the Methodology and the previous legal regulation of the determination of the amount of compensation for health damage and death is described in the conclusion of thesis.