

Non-material damage in health injury and decision making in adhesive (criminal) proceedings

Abstract

The diploma thesis focuses on current legislature, issues and questions regarding compensation of non-material damage (non-property harm), specifically health injuries in adhesive proceedings. The topic presented hereby is a relatively young field of interest in the Czech law system, moreover it has gone through relatively dynamic development recently. The topic of the diploma thesis is effectively linking criminal, civil and health (medical / health care) law. The diploma thesis presents an outlook on the concept of non-material damages from the point of view of civil law and outlines the concepts of injured party and adhesive proceedings belonging to the criminal law field. The diploma theses presents an insight into the terms of liability and criminal liability and it also briefly concerns the criminal liability in health care. The diploma thesis presents some of the selected criminal offences (crimes) against human life and health. The diploma thesis also focuses on terms and proceedings of the adhesive (criminal) proceedings and the possibilities and rights of injured party in the proceedings. The diploma theses presents differences and common points of the terms „injured party“ and „victim“ in the Czech law system. The diploma thesis also focuses on non-material damage, health injury and immaterial damages. It sets an outlook on terms used by the Czech Civil Code for health injury. The diploma thesis includes a brief comparison of current and previous legislature concerning health injury in Czech civil law. The diploma thesis also includes an overview of related case law.

In the conclusive part of the diploma thesis the author summarizes and analyzes findings of the thesis and presents thoughts and suggestions de lege ferenda. The diploma thesis also touches on the challenges and setbacks that are found within the area covered by the thesis and practical possibilities of the injured party in adhesive proceedings.

Key words

non-material damage - health injury - adhesive proceedings