

Claims of the injured person for compensation for non-material damage in adhesive proceedings

In recent years, the issue of compensation for non-material damage caused by a criminal offense and its discussion in adhesive proceedings has come to the forefront of the interest of both the highest courts and relevant experts, whose opinions on individual issues naturally differ. The factual impossibility of quantifying the immaterial damages of injured persons requires the necessary need for the existence of established decision-making practice of the highest courts and the establishment of at least basic criteria that determine the limits of judicial discretion. Efforts to strengthen the position of injured persons are obvious and certainly welcome, but care must be taken to preserve the accused's right to a fair trial, both formally and materially.

This rigorous work is (apart from the introductory and concluding chapters) divided into a total of five relatively large chapters, each of which is devoted to one aspect of the researched issues, including a proposal to improve legislation.

The first chapter is devoted to a general introduction to the issue of non-material damages and their compensation, the basic concepts of adhesive proceedings, its purpose and meaning, the basic principles that govern adhesive proceedings and, of course, the general purpose of criminal proceedings as such.

The second chapter is devoted to the current legislation in three basic areas that affect the issues examined - civil law (especially the relevant provisions of the Civil Code), labor law (in the forefront of the author's interest is naturally the Labor Code) and finally criminal law, and in particular the procedural aspects of the adhesive procedure, claim of the injured person and its discussion and decision on it.

The third chapter is devoted to the issue of the amount of compensation in specific cases, namely compensation for non-material damage to victims of the death of a loved one caused by a crime. The chapter contains a basic overview of the currently valid case law dealing with these issues, which is a determining guide for the common decision-making practice of ordinary courts at lower levels.

In the fourth chapter, the reader is acquainted with several real examples from the practice of the author - a trainee lawyer - either in the position of the defendant's lawyer or the agent of the injured. The purpose of this part of the work is to clearly present the procedure in ordinary adhesive proceedings and at the same time decision-making practice and the tendency of general courts, especially in terms of the amount of compensation granted.

The last, fifth, chapter contains several of the author's suggestions for improving the legal regulation concerning the problematic introduction, including an explanation and justification of the proposed changes.