

## Summary

This diploma thesis deals with the personal injury in the Czech legal order according to the current legislation in the current Civil Code and in the new Civil Code.

The work is divided into six chapters. The first chapter provides a basic introduction to the legal liability. The second chapter gives an interpretation to each of the assumptions of liability and describes some of the changes that the new Civil Code brings to these legal institutions. The third chapter discusses some general institutes with damages related, as is the way and the extent of damages, limitation of the claims for the compensation with regard to the new civil code. The fourth chapter is devoted to each of the non-pecuniary claims for damage to health and life, which can be found in the Civil Code, which include pains and suffering, aggravation of social position, compensation after the death of the close person and the satisfaction provided in the case of the intervention in the right to the protection of the personality. The subject of this chapter is also the issue of compensation for personal injury and determining the amount of compensation. The fifth chapter provides interpretation of each immaterial claims according to the new Civil Code. The sixth chapter summarizes the basic changes, that the new Civil Code brings and contains own assessment of the whole of the issues and current issues related to it.

The new Civil Code brings to this area, a number of major changes. The first is the abolition of the fixed amounts for the compensation after the death of the close person. Another major change is the abolition of the point rating of the pain and the aggravation of social position. Determination the amount of the compensation for the injury shall be at the discretion of the courts, that the new Civil Code gives as the only scale the principle of the equity and the principle of the full compensation for the injury caused. For the mentioned reasons, the chapter dealing with the immaterial claims procedure in the new Civil Code, deals also with other principles, resulting from the current case law and that will probably continue to be applied in determining the amount of compensation. Further, the new Civil Code expands the enumeration of the immaterial harms and allows to compensate the secondary victims not only for immaterial harm caused by the death of the close persons, but also for serious bodily harm of the close persons. Completely new is the provisions governing compensation for immaterial damage (in certain circumstances) to anyone who feels damage of the primary victim as a personal disaster.

The aim of this work is to provide a comprehensive view on the liability for the immaterial harm in the area of personal injury to life and health in the both legislations.