

## ABSTRACT

The aim of this thesis is to describe Czech approach towards pecuniary compensation in connection with immaterial damage arising from providing medical care. Protection of patient's personality rights and eventually that of his relatives is stressed out.

Over the last few decades, the issue of compensation for immaterial harm has become more significant, whereas the same could be said about the role of patient in the system of providing medical care. Regarding the fact that there is currently a period of recodification of Czech private law, it is opportunity to have hindsight of where theory, respectively judicial practice, has reached regarding immaterial damage compensations. Therewithal, it is necessary to try to describe and analyze new laws and compare them with the current laws and evaluate their positive and possible negative approaches.

This thesis is divided into five chapters. The first one is an introduction and it is divided into three parts. The first one deals with the issue of medical-legal disputes, the second one focuses on the issue of sources of law and the third one on questions arising from protection of personality rights.

The second chapter straightly deals with the issue of immaterial satisfaction according to the Civil Code of 1964 and discusses its purpose and questions relating to ruling on its amount. Furthermore, system of immaterial damage compensation in terms of enactment of health damage is described.

The third chapter draws a line between existing legal enactment and that of according to the new Civil Code. It aims to briefly describe European tendencies in field of immaterial damage compensations.

The fourth chapter contains comparison, description and assessment of new Civil Code enactment.

The fifth chapter discusses the issue of so called secondary victims. One part of chapter describes English and German approach towards the issue of secondary victims and nervous shock. In the other part the concept of *solatium doloris* and its assertion especially in Québec is described. Czech stand towards the both approaches mentioned hereinabove is discussed in the third part.