

Compensation for non-material damage in the event of injury and death in collateral proceedings

Abstract

This thesis explores compensation for non-material damage in the event of injury and death within the context of criminal proceedings. The thesis is divided into five chapters. The first chapter focuses on the concept of the injured party, its definition, its role in criminal proceedings, rights, and obligations. Additionally, it delves into the assessment of the injured party's needs and goals in the context of criminal proceedings. The second chapter deals with the institution of collateral proceedings, providing a definition and describing its course. The third chapter focuses on the issue of non-material damage in the event of injury, the calculation of compensation, the court's procedure in the calculation, and the development of case law. The next chapter discusses the compensation for injury in case of death, the conceptual definition of individual claims, the range of persons compensated, and the proposal to expand it. The fifth chapter focuses on selected problems related to compensation for non-material damage in personal injury and death within the framework of criminal proceedings.

Despite some changes in favour of victims, there are still shortcomings both in legislation and in practice. This thesis highlights the need to update the Methodology to account for mental pain and to incorporate specific items and scores that reflect this type of suffering. Additionally, ensuring a fair and individual assessment of compensation for non-material damage in the event of injury and death cases is crucial. Therefore, courts should approach collateral proceedings with the utmost care, considering the needs and protection of victims to minimize their secondary victimization.

The aim of this thesis is, with regard to the position of the victim, to describe the current legal regulation concerning compensation for non-material damage in the event of injury and death cases within collateral proceedings. It also examines the decision-making practices of criminal courts. Furthermore, the thesis aims to identify the problems and criticisms that have arisen due to the new legislation and court practices. Finally, the thesis assesses the possibilities of modifying the legislation to better align with the practical needs.

Keywords: the injured party, collateral proceedings, compensation for non-material damage