

Compensation of immaterial damage in criminal proceedings - Abstract

The topic of this rigorous thesis is compensation for immaterial damage in criminal proceedings. This topic is mainly related to the question of fulfilling the conditions for its compensation and determining its amount. This thesis deals with the victim's entitlement to claim compensation for immaterial damage and a series of related issues, especially in relation to the determination of the amount of the claim for compensation for immaterial damage. The application and quantification of the injured party's claim in monetary form is considerably more complicated than in the case of compensation for material damages, and therefore this issue requires increased attention. The purpose of this thesis is to point out the procedural procedure of making a claim by the injured party in adhesion proceedings, the decision-making practice of the Supreme Court and the Constitutional Court, which often come into conflict with each other, and at the same time to put forward my own proposals for possible changes to the current wording of the Criminal Procedure Code.

This rigorous thesis is divided into six chapters, each chapter dealing with a selected aspect of the issue of compensation for immaterial damage in criminal proceedings.

The first chapter deals with the meaning of compensation for immaterial damage. At the same time, it describes the purpose of the legal regulation of compensation for immaterial damage in the context of criminal proceedings, which can be considered as securing the rights of injured parties and protecting them from secondary victimisation. The legal regulation of the issue of exercising the rights of the injured party is based on the principle of securing the rights of the injured party and the principle of satisfying the interests of the injured party. These principles are also examined in more detail within this chapter.

The second chapter deals with the core legislation that regulates compensation for immaterial damage. The injured party pursues the claim in accordance with the Criminal Procedure Code, which primarily regulates the procedure of the law enforcement authorities. This thesis therefore deals with the general procedure for bringing a claim in the context of adhesion proceedings. Attention is also paid to situations where a claim for compensation for immaterial damage is made against minors. The claims of the injured party are of a substantive nature, and therefore the individual claims for compensation under the Civil Code and the Labour Code are included in this chapter.

The third chapter deals with selected procedural aspects of compensation for immaterial damage in adhesion proceedings. The chapter describes the process of pursuing a claim and the

rights of the injured party in criminal proceedings. Attention is also focused on the variations of the court's decision on the injured party's claim, the remedies available to the injured party and other procedural aspects.

The fourth chapter describes in more detail the procedure for determining the amount of compensation for immaterial damage, in particular in the areas of compensation for physical pain, mental anguish, difficulties in social participation and compensation for unjustified interference with personality rights. The chapter also includes a more detailed analysis of the determination of the amount of compensation for immaterial damage by means of an expert's opinion.

The fifth chapter deals with the comparison of Czech legislation with foreign legislation, namely with the Criminal Code of the Slovak Republic and the Criminal Code of the Federal Republic of Germany. These foreign legal systems are very similar to the Czech legal system, especially the Slovak Criminal Code, but they have some interesting differences which that this thesis points out.

The last sixth chapter presents reflections on possible changes to the legislation. The chapter focuses on the possible modification of the duty to provide information provided by the law enforcement authorities, the question of the definition of the barrier to the initiation of a case for the exercise of the injured party's claim in criminal proceedings, the integration of the right to oppose a criminal order among the remedies available to the injured party, and the modification of the court's procedure for situations where injured parties file their applications at the last moment.