

Damage in adhesion proceedings

Abstract

The institute of damage is a traditional institute of both criminal and civil law, its meaning, purpose, and concept differs fundamentally in each of these sectors. The specifics of the two concepts of damages clash in adhesion proceedings, i.e., in the part of criminal proceedings in which a civil claim of the victim arising from the prosecuted crime is decided. This thesis focuses on describing the impact of criminal proceedings on the victim's claim and compares its legal fate with that of the same claim brought in civil proceedings. The specifics of the adhesion claim are also examined in the case of the use of selected diversions.

The very nature of the adhesion procedure and the adhesion claim is examined by means of a historical analysis of the legal rules, starting with the Austrian Code of Criminal Procedure in force in the 19th century, through the legal rules of socialist Czechoslovakia to the current legal system. From this comparison, the basic principles of the adhesion procedure are drawn, which define its current form.

Attention is also focused on the examination of the adhesion claim by means of selected civil institutes, such as the institute of limitation or the issue of the invalidity of the legal act as a result of which the damage occurred. The results are then compared to Czech case law, which is subjected to critical reflection and supplemented by *de lege ferenda* proposals.

The result of this thesis is a comparison of damages in the concept of criminal and civil law and a comparison of claims for compensation in civil and criminal proceedings.

Key words

Adhesion proceedings, material damage, injured party, compensation for damages