

# **Abstract**

## **Civil Liability for Bodily Injury in Medical Disputes**

The aim of this thesis is to map and analyze civil liability for bodily injury caused to a patient while providing health care. This topic is specific and current, especially considering the fact that the new Civil Code came into effect on 1. 1. 2014. Where required, there is comparison between the current and previous legislation. This thesis also offers a glimpse into the German legal system and features institutes similar to ones in the Czech legal system as well as institutes the Czech legal system does not offer.

The thesis is divided into five chapters. The first chapter describes domestic legislation with elements of medicine. This includes sources of law that have the form of law, professional rules and case law. The second chapter deals with civil liability in the health sector and its individual cases that lie in the objective liability of the health care provider. At the same time, contractual and and tort liability is pointed out.

The third chapter discusses the elements of civil liability and further maps out and takes into account its individual attributes, that are necessary to form civil liability. The third chapter also further examines non-lege artis procedures that result in said bodily injury. This chapter marginally looks into German legislation that describes the basis of civil liability while providing health care.

The fourth chapter talks about individual categories of claims that arise out of bodily injury caused by a health care provider and the way and range of awarding damages. The fourth chapter further points out The Methodology of the Supreme Court of the Czech Republic of compensation for non-pecuniary damage, that offers procedures for setting the amount of damages and the amount of compensation for pain and suffering under section 2958 of the Civil Code. This chapter then focuses on so-called secondary victims and the passing of the rights to damages onto a successor.

The last chapter is dedicated to limitation regarding the recovery of injury damages according to the Civil Code and the previous Civil Code.