

Non-Pecuniary Damages in Czech and German Law – Abstract

The thesis at hand deals with non-pecuniary loss and monetary satisfaction in Czech and German law. It focuses on the concepts of non-pecuniary loss, mental distress, pain, impairment of social life and other non-pecuniary harm. In German law, attention is paid in particular to the concepts of *Schmerzensgeld*, *Hinterbliebenengeld* and *Schockschaden*.

The main part of the thesis concerns the analysis of the method of determining the adequate amount of just satisfaction in statutory and case law of the Czech Republic and Germany. It focuses on infringement of personal rights as well as other infringements that constitute right to just satisfaction according to the Czech Civil Code. Author analyses the method of determining the adequate amount of just satisfaction in the events of the bodily harm, secondary victims' loss under Sections 2959 and 2971 of the Czech Civil Code, non-pecuniary damage caused by violation of the rights to dignity, freedom, reputation and privacy, *pretium affectionis* and ruined holidays. The outcome is a summary of the decision criteria and amounts awarded by courts.

The scope of the thesis goes beyond personal injury. It encompasses answers to questions such as whether a legal entity can suffer non-pecuniary damage, what nature of this damage is, and how it differs from the non-pecuniary damage suffered by natural persons. In the context of non-pecuniary damage to legal entities, the thesis delves into just satisfaction for damage caused by unfair competition, as well as the case law of the European Court of Human Rights.

The final chapter of the thesis tackles the alternative methods of determining the amount of just satisfaction. It examines both purely doctrinal approaches and those applied in other countries, specifically in Denmark, Austria, Switzerland, and New South Wales (Australia). The outcome is a summary of the advantages and disadvantages of these alternative methods, along with an assessment of their *de lege ferenda* applicability in the Czech Republic.

Key words: Non-pecuniary damage, just satisfaction, monetary satisfaction