

Personal injury caused by an aesthetic medicine treatment

Abstract (in English):

The aim of the thesis is to analyse the personal injury caused by the performed treatment in the field of aesthetic medicine. Aesthetic medicine stands out from ordinary medical care and commonly undergone procedures from a legal point of view, because it is very specific in its interventions. Nevertheless, the patient who undergoes the procedure may be at risk in a similar way as for conventional procedures. Aesthetic medicine is then interesting from a legal point of view in that the resulting personal injury may be slightly more difficult to assess than a normal injury. This raises some questions that need to be answered in order to assess personal injury. There are more such questions, but the thesis aims to answer the four questions posed. The first question is how to understand such personal injury, i.e. where it arises, whether in the health sector or in another sector, whether a contract is present and what role informed consent plays here. This is the very basis for going any further. The second issue is the nature of the contract and its relationship to the contract of work. This question stems in particular from the historical perception of health care, and precisely from the characteristically more result-oriented perception of aesthetic medicine. The third question deals with considerations about the nature of liability. That is to say, whether tort or contractual liability is preferable for the compensation of non-pecuniary damage, or whether some other option is possible. The last question focuses on the scope of compensation for non-pecuniary damage. Here, the focus is on other non-pecuniary damage, precisely because of the nature of aesthetic medicine procedures, from which it will generally be difficult to infer pain and distress. In order to answer such questions, the thesis defines the theoretical prerequisites for liability and the obligation to compensate for injury, followed by an analysis of the area of injury, the extent of the injury and, last but not least, the compensation for non-pecuniary injury itself, with a focus on other non-pecuniary injuries. The work always continuously defines the starting points and thus answers the questions posed.

Klíčová slova (anglicky):

Non-pecuniary damage, personal injury, duty to compensate, aesthetic medicine, aesthetic damage, health care contract, contract for work, contractual liability, tort liability