

Abstract

Prevention in the Civil Code

The topic of my thesis is prevention in the Civil Code. This thesis examines the definition of the concept of prevention within the Civil Code as a key aspect in the provision of general rules of mutual coexistence in our main legal code. Prevention is not only understood here as an effort to prevent illegal actions, but is extended to a broader concept of preventing damage or injury to the health and life of individuals in society, when its essence goes beyond the concept of law. The work reflects the development of the concept of prevention and its anchoring in the Civil Code, with an emphasis on various historical concepts and the development of legal regulations.

The first chapter of the thesis analyzes various concepts of prevention mainly in a general sense, focusing on its importance in various fields, including medicine, social sciences and criminology. The content of other types of prevention such as primary and secondary or general and specific is also defined here.

The second chapter is devoted to a brief summary of the development of the Civil Code as a legal code, with an emphasis on its development in Roman society, the Middle Ages and modern times. This part of the work also traces the transformation of the prevention institute itself in these individual parts of history.

The core part of the thesis (chapters three to five) focuses on the current concept of prevention in the NOZ, which already explicitly mentions the concept of prevention, in relation to liability for damage. While the third chapter analyzes the provisions regarding prevention in relation to liability for damage, especially §2900 and §2904, which state the obligations of citizens leading to the prevention of damage, as well as the possibility of compensation for property damage, the fourth chapter compares the Czech NOZ with the English, the German and Austrian legal environment.

The fifth chapter outlines individual cases of jurisprudence from recent years, the subject of which was the legal concept of prevention and shows that it is definitely not a dead institution.

The empirical part of the work is subsequently divided into three parts. The first part focuses on the current concept of prevention in NCDs with regard to the historical context. The second part is devoted to the comparison of the Czech NOZ with legal regulations in the English, German and Austrian legal systems. The third part of the work deals with the analysis of jurisprudence and shows how prevention in NOZ is applied in practice. In addition to the theoretical definition of the concept of prevention, the author of the thesis tries to provide a comprehensive overview of its perception in the Czech legal environment, including the international context and jurisprudence.