

The subject of this work is the so-called tort liability, and its basis is the fact of causing damage by a tort.

The main objective of the work is a comprehensive critical analysis of the institution of the compensatory benefit and to highlight the doctrinal and practical doubts that arise against it. The specific purpose is to analyse the elements of the legal structure of the compensatory benefit, which include the essence of the compensatory benefit, the circumstances for the claim for compensatory benefit, the entities responsible for the compensatory benefit and these entitled to it, the rules for determining the amount of the compensatory benefit and the duration of the obligation to pay it.

Further specific objectives concern the examination of the essential aspects of the court's investigation of the civilian compensatory benefit and the identification of the legal basis for the expiry and limitation of the compensatory benefit, taking into account the protection of the victim's interests.

The choice of the work topic is related to the importance of the compensatory (tort) benefit under tort liability.

The starting point for the considerations taken was the thesis that the compensatory benefit is an institution of a civil law nature, which undoubtedly fulfils a compensatory function as a means of compensation (in addition to indemnification) and that its shape is adequate for the fulfilment of that useful role. It would be fruitless to seek separate solutions to make good the damage caused by replacing the compensatory benefit with those which fulfil its functions.

The compensatory benefit became a well-established legal institution and, even its normative shape, despite the passage of many years, was not subject to major modifications.

Therefore, in order to achieve the purpose of this dissertation, it was necessary to address a number of issues relating to the compensatory benefit in force in the legislation.

This dissertation consists of nine chapters devoted successively to the essence of the entitlement to a compensatory benefit, the tort liability as the source of the claim for a compensatory benefit, the circumstances for the claim for compensatory benefit, the entities responsible for the compensatory benefit, the amount and duration of the compensatory benefit, the contract for the compensatory benefit, the recovery of the compensatory benefit in court, the expiry of the compensatory benefit and the provisions of the compensatory benefit in other legislations.

Three test methods were used in the work: the formal dogmatic method as the main method and the empirical and legal comparison methods complementarily.

This method of selection of test methods is a consequence of the assumptions made in the design of the work.