FROM THE IUSTORIA BLOG

# “Let the Court Punish Him.” What a Civil Case Can and Cannot Deliver

> *A civil court awards money, an apology or a declaration of rights, but it does not punish. What a lawsuit can realistically win, which costs come back and when a criminal complaint makes sense.*

IUSTORIA TEAM

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"I want him to pay for this. And not just with money." We hear that sentence at our firm all the time. A business partner deliberately failed to pay, a neighbour has been making life difficult for years, a former co-owner is spreading falsehoods about the company. People then expect the court to punish the other side, to say out loud who lied, and to restore the feeling that justice has been done.

A civil court cannot do that, and it is not meant to. It decides on rights and obligations: who owes what to whom, who must do something or stop doing it. A client who goes to court for punishment often leaves dissatisfied, even after winning.

What you can realistically get out of a lawsuit, how much of your costs will come back and when a criminal complaint makes sense: all of this is worth knowing before the claim is filed.

## What a civil court can award

The court decides on what you put before it. The statement of claim must make clear what the plaintiff is seeking (Section 79(1) of the Czech Code of Civil Procedure), and the court can award something different or more only where a legal provision lays down how the parties' relationship is to be settled (Section 153(2)). What you do not ask for in your claim, you will not get.

Above all, you can ask for:

- **Money.** The price you are owed, compensation for damage including lost profit (Section 2952 of the Czech Civil Code) and default interest, the rate of which is set by government regulation (Section 1970 of the Civil Code; Government Regulation No. 351/2013 Coll.). It is the price of waiting, and the debtor owes it by law even if you agreed nothing about it.
- **An order to do something, refrain from something or hand something over.** To vacate a flat, return an item, stop spreading a false statement, take down a post. A person whose personality rights have been affected can demand that the unlawful interference stop or that its consequences be removed (Section 82(1) of the Civil Code). A company, an association or any other legal entity has the same protection against interference with its reputation (Section 135(2)).
- **A declaration.** A judgment on whether a right or a legal relationship exists, for example whether you own a plot of land. But only if you have an urgent legal interest in it (*naléhavý právní zájem*; Section 80 of the Code of Civil Procedure).

The court decides on the basis of the facts as established (Section 153(1)), that is, on what the parties alleged and what they proved. Why that is not the same thing as the truth is the subject of our article "Surely the Court Will Find Out What Happened." Why It Won't, and What to Do About It.

## Apology and satisfaction: what they mean and when you get them

The closest thing to what people mean by getting satisfaction is appropriate satisfaction (*přiměřené zadostiučinění*). The law says: "Non-pecuniary harm shall be redressed by appropriate satisfaction." Money comes into play if another form would not provide actual and sufficiently effective redress (Section 2951(2) of the Civil Code). In its judgment (*nález*) of 15 January 2025, file no. Pl. ÚS 26/24 (paragraph 71), the Constitutional Court pointed out that satisfaction may be moral, typically an apology, or monetary.

You are not always entitled to it, though. Unless redress of non-pecuniary harm (*nemajetková újma*) was expressly agreed, the wrongdoer bears it only where the law so provides (Section 2894(2)). Typically this means an interference with a person's natural rights, such as health, honour or privacy; mental suffering is then redressed as well (Section 2956). According to the same judgment, a company or an association can claim satisfaction for an interference with its good reputation, by analogy with unfair competition under Section 2988 (point II of the operative part). But you will not get it for the stress of an unpaid invoice or a building finished late, unless you agreed on it. The law allows an exception only in special circumstances, for example where the wrongdoer caused the harm intentionally out of a desire to hurt or another particularly reprehensible motive, or breached an important legal duty through gross negligence. The wrongdoer must then redress the non-pecuniary harm of anyone who justifiably perceives it as a personal misfortune that cannot be redressed in any other way (Section 2971). The difference between damage and non-pecuniary harm is explained in our guide to the basic concepts of compensation for harm (in Czech).

The form and amount of satisfaction must also make up for circumstances deserving special consideration. The law lists among them causing harm intentionally, deceit, threats, abuse of the injured party's dependence on the wrongdoer, and the wrongdoer magnifying the interference by making it public (Section 2957). The yardstick, however, is still the harm you suffered, not punishment for the other side. According to the Constitutional Court, the duty to compensate for harm is generally not in the nature of a sanction, even though satisfaction has a deterrent effect alongside its remedial one (Pl. ÚS 26/24, paragraphs 124 and 73).

**An apology ordered by judgment.** You must set out the exact wording of the apology in your claim, and the court can order nothing beyond that wording. If the other side does not apologise voluntarily, the court will, at your request, impose a fine of up to CZK 100,000 and further reasonable fines until the obligation is met. The fines go to the state (Section 351(1) of the Code of Civil Procedure). An apology extracted by enforcement is not sincere remorse, however, which is why it pays to negotiate one as part of a settlement. How to proceed when you are defamed online is described in the article Someone Is Lying About You Online: What to Do First.

## What a lawsuit will not give you

**Punishment.** Only criminal law defines criminal offences and criminal sanctions (Section 12(1) of the Czech Criminal Code). A civil judgment does not say that someone is a fraudster. It says that they must pay CZK 180,000 with default interest within three days of the judgment becoming final (Section 160(1) of the Code of Civil Procedure).

**Public condemnation.** A judgment is pronounced in public (Section 156(1) of the Code of Civil Procedure), but the court grants the right to publish it at the other side's expense only in disputes concerning unfair competition, intellectual property and consumer rights (Section 155(4)). Where your honour or reputation has been attacked, you can ask for the other side to apologise or to correct the falsehood where it spread it, for instance in the same newspaper or on the same profile (Section 82(1) and Section 2951(2) of the Civil Code). Even such an apology is not an admission of guilt, however, merely compliance with a duty imposed by the court.

**A statement of who was right.** If the defendant admits the claim (Section 153a), or fails to appear at the first hearing without an excuse and you apply for a default judgment (Section 153b), the court decides without taking evidence. Its reasoning then states only the subject of the proceedings and, briefly, why it decided as it did (Section 157(3)). If the debtor pays only after the claim has been filed, you withdraw the claim, the proceedings are discontinued and the debtor pays the costs, because their conduct caused the withdrawal (Section 146(2)). Nobody declares that you were right, and yet this is one of the best outcomes a dispute can have.

**A sense of justice.** The court deals only with what matters for the claim; the years of grievances that led to the lawsuit usually have no place in the proceedings. Whether a dispute is worth it at all can be worked out with the help of the article Litigation as an Investment.

## Legal costs: what comes back and what doesn't

A party that was fully successful is awarded, against the unsuccessful party, reimbursement of the costs necessary for the effective assertion or defence of its rights (Section 142(1) of the Code of Civil Procedure). With partial success, reimbursement is divided proportionately, or neither party gets any (Section 142(2)). The court may, however, award full reimbursement even with partial success if the decision on the amount depended on an expert opinion or on the court's discretion (Section 142(3)). That is typically the case with monetary satisfaction. Exceptionally, on the other hand, the court will not award costs even to the successful party if there are reasons deserving special consideration (Section 150).

Before you file, send the other side a demand for performance (*výzva k plnění*) at least 7 days in advance, to their address for service or their last known address. Without it, in proceedings for the performance of an obligation, including an apology, the court will as a rule not award you costs even if you win (Section 142a). How to draft the demand is shown in our guide to payment demands (in Czech).

The costs of the proceedings include court fees, cash expenses, the parties' lost earnings, the cost of evidence and the lawyer's fee (Section 137(1)). The court does not, however, calculate the lawyer's fee by what you actually paid, but under the attorney tariff (*advokátní tarif*) for non-contractual fees (Section 151(2)). For smaller amounts, the reimbursement tends to be considerably lower than the fee paid; this is examined in detail in the article Attorney's Fees in Court and in our guide on how much of your costs come back (in Czech). No tariff counts the time and stress the dispute costs you.

Above all: an award of costs is worth something only if the other side has the means to pay. A judgment against a debtor with no assets and no income is just a piece of paper. Before you go to court, run through the calculation in our guide on whether a claim is worth pursuing (in Czech).

## Criminal complaint: when it is appropriate and when it is a mistake

Criminal proceedings are conducted by the state. The public prosecutor must prosecute every criminal offence that comes to their attention, and the law enforcement authorities act of their own motion (Section 2(3) and (4) of the Czech Code of Criminal Procedure). As the injured party you have your own rights in the proceedings (Section 43(1)), but you do not run them, and as a rule you cannot "withdraw" a complaint. The exception is certain offences between close persons, which can be prosecuted only with the consent of the injured party (Section 163).

The Constitutional Court has said repeatedly that criminal law is a last resort and cannot replace the protection of rights in private-law relationships, where it is above all up to each person to guard their own rights (judgment of 23 March 2004, file no. I. ÚS 4/04). According to the Constitutional Court, the injured party has a right to effective criminal proceedings, but this is a duty of the state to proceed properly, not a guarantee of the outcome; many criminal offences go unpunished despite reasonable efforts by the authorities (judgment of 12 August 2014, file no. I. ÚS 3196/12, paragraphs 17 and 18).

**A complaint is appropriate** when someone has defrauded you and there is nobody to sue, because all you know is an account number, a phone number or a profile. It is also appropriate when the other side was already deceiving you when the contract was concluded, and in cases of violence, threats or stalking. What is more, a conviction binds the civil court as to the fact that the offence was committed and who committed it (Section 135(1) of the Code of Civil Procedure). You can claim damages directly in the criminal proceedings (Section 43(3) of the Code of Criminal Procedure), and the court will order payment in the judgment convicting the defendant (Section 228). If, however, the claim would require further evidence that would considerably prolong the proceedings, the court will refer you to civil proceedings; if the defendant is acquitted, it always does so (Section 229(1) and (3)).

**A complaint is usually a mistake** over an ordinary debt, in a dispute about the quality of work, or as a way of putting pressure on the other side. The police shelve the case, the other side learns that it faces no criminal consequences, and you have lost months. The civil court may also stay its proceedings until the criminal proceedings are over (Section 109(2)(c) of the Code of Civil Procedure), which drags the dispute out; a realistic timetable is set out in the article How Long Does a Court Case Take: A Realistic Timeline from Claim to Enforcement. And falsely accusing someone of a criminal offence is itself the criminal offence of false accusation (Section 345 of the Criminal Code). What a complaint should contain is described in our guide to criminal complaints (in Czech), and the view from the other side in the article Criminal Complaint: What Happens When Someone Files One Against You.

A criminal complaint on its own does not suspend the limitation period. The limitation period is three years, and for compensation for damage it starts to run once you know about the damage and who is liable to compensate it (Section 620(1) and Section 629(1) of the Civil Code). Criminal proceedings suspend it only if you assert the

claim in them against a specific person in a specific amount, and that holds even if the police shelve the case (Supreme Court judgment of 31 July 2025, file no. 23 Cdo 3245/2024, paragraphs 35 and 41). Once the criminal proceedings are over, file your claim without delay; only then does the limitation period remain suspended (ibid., paragraph 34).

Before filing, write down exactly what the court is to pronounce: the amount, the interest, the specific obligation and, for an apology, its wording. The court will not give you more than you ask for (Section 153(2) of the Code of Civil Procedure).

Do you want a breach of contract to cost something even without proving damage? Agree a contractual penalty in advance (Section 2048 of the Civil Code). By law, you then have no claim to compensation for damage from the same breach on top of it (Section 2050). So do not set it at a token amount, or expressly agree that you may claim damages in addition to the penalty.

Negotiate the apology, and anything else that matters to you more than money, as part of a settlement. A court-approved settlement has the effects of a final judgment (Section 99(3) of the Code of Civil Procedure), and the apology in it reads exactly as the parties agreed.

## At a glance

| Question | Answer | Provision |
|---|---|---|
| Will the court award more than I ask for? | No, only where the law lays down how the relationship is to be settled. | Section 153(2), Code of Civil Procedure |
| Can I ask for an apology? | Yes, for non-pecuniary harm that the wrongdoer is obliged to redress; money if an apology is not enough. | Sections 2951(2) and 2956, Civil Code |
| Will I get satisfaction for the stress of a contractual dispute? | Only if it was agreed or the law so provides. | Section 2894(2), Civil Code |
| Is a company or an association entitled to satisfaction? | Yes, for an interference with its good reputation, by analogy with unfair competition. | Sections 135 and 2988, Civil Code; Pl. ÚS 26/24 |
| What if the other side does not apologise? | The court imposes repeated fines of up to CZK 100,000; they go to the state. | Section 351, Code of Civil Procedure |
| Will I get my lawyer's fees back? | Under the attorney tariff and usually in proportion to your success; in full if the amount awarded was at the court's discretion. As a rule, not without a pre-action demand. | Sections 137, 142, 142a and 151, Code of Civil Procedure |
| Does a criminal complaint suspend the limitation period? | Only with a claim asserted against a specific person in a specific amount. | Section 648, Civil Code; 23 Cdo 3245/2024 |

**Considering a lawsuit or a criminal complaint and unsure what either will realistically bring you?** We will go through your documents and tell you what you can claim from the other side, what it will cost and which route will get you a result soonest. We handle disputes as part of our dispute resolution practice. Get in touch.

## Conclusion

A civil lawsuit exists to make the other side pay, do something or stop doing something, or to make clear who owns what. It cannot punish, and not even a winning judgment will give you the feeling that the other side "got what it deserved".

That is why it pays to name at the outset what you really want from the dispute. If it is payment, the shortest route often runs through a demand and a settlement. If it is punishment, the matter belongs with the police, but only if it genuinely involves a criminal offence.

## Sources

- Act No. 99/1963 Coll., the Code of Civil Procedure, Sections 79, 80, 99, 109, 135, 137, 142, 142a, 146, 150, 151, 153, 153a, 153b, 155, 156, 157, 160 and 351 (as in force from 1 November 2026).
- Act No. 89/2012 Coll., the Civil Code, Sections 82, 135, 620, 629, 648, 1970, 2048, 2050, 2894, 2951, 2952, 2956, 2957, 2971 and 2988.
- Government Regulation No. 351/2013 Coll., setting the rate of default interest.
- Act No. 40/2009 Coll., the Criminal Code, Sections 12 and 345.
- Act No. 141/1961 Coll., the Code of Criminal Procedure, Sections 2, 43, 163, 228 and 229.
- Constitutional Court judgment of 23 March 2004, file no. I. ÚS 4/04.
- Constitutional Court judgment of 12 August 2014, file no. I. ÚS 3196/12.
- Plenary judgment of the Constitutional Court of 15 January 2025, file no. Pl. ÚS 26/24.
- Supreme Court judgment of 31 July 2025, file no. 23 Cdo 3245/2024.

This article is for information only and does not constitute legal advice. It reflects the law as at the date of publication; whether you are entitled to satisfaction in a particular matter, and whether a criminal complaint is appropriate, depends on circumstances that must be assessed individually.

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