

Traffic accidents or medical injuries can lead to death or serious disablement, including vegetative state, of directly injured parties. However, it cannot be forgotten that such dramatic consequences of traffic accidents or medical injuries affect also persons who are not directly injured. What is more, the development of medicine led to an increase in the survival of victims of traffic accidents and other events, especially medical malpractice. This led to an increase in the amount of claims relating not only to the injured party's death but also health impairments suffered by such injured persons.

As a result, a legal dilemma arises if persons indirectly injured should have a claim for compensation, especially in extreme situations, that is loss of a close person because of culpable or at least unlawful infliction on such person of death or vegetative state. The basic principle adopted in civil law is the redress of material and non-material damage sustained by directly injured parties. Resolution in respect of the advisability and desired scope of compensating indirectly injured parties is significant not only from the point of view of consequences of medical malpractice or traffic accidents, that will be the main thread of this research, but also will apply in case of other events capable of causing indirect damages. As an example, one could speak of damages suffered by a football club in consequence of a culpable injury of one of the club's players, or damages suffered by stockholders whose stocks are diminished in value as a result of a damage caused to the company.

The problems of the scope of redressing the damage and claims to be asserted by secondary victims currently pose a challenge to all jurisdictions. The current *status quo* is an attempt to reconcile the black letter law with the needs of the society, which, in the face of the growing number of suits, may prove insufficient. The pursuit of solutions of the diagnosed problems and answers to the formulated questions will require analysis and comparison of foreign legal systems. Many countries have experiences in solving the conflict between the redress of indirect damage and the fundamental principle of civil law. In this respect, material importance attaches to the legal systems of Germany and Austria, France and the United Kingdom, as well as the United States. Those countries represent the three most important legal traditions: Germanic, Romanic and *common law*. In those jurisdictions, it is possible for indirectly injured parties (*mittelbar Geschädigte*, *victimes par ricochet*, *secondary victims*) to assert claims, even though methods of such assertion are different. The research carried out against the backdrop of different legal cultures allows to specify minimum requirements set for a legal system. Too much discretion in the interpretation of legal provisions will lead to replacement of the legislator's role.

A model solution should take into consideration the factors affecting the scope of redress, i.e. economic development or even political regime. For that purpose, it is also necessary to evaluate the existing solutions in respect of compensating indirect damages within the framework of tortious liability in the context of positive economic theory (positive economic theory of tort law) and attempt to formulate recommendations in the area of normative economy. Other important factors are social relations and welfare facilities available in a given country – the more extensive the social security, the lesser the scope of secondary victim claims (and redress of the damage) may be.

Importantly, the problem may potentially relate to any of us. We are regular users of land transport or medical services, and so are persons around us.