

Legal aspects of movement and stay of person in wild nature

Abstract

The thesis deals with the legal framework of movement and stay of an individual in wild nature, that is to say outside developed land areas. The legal framework used is effective on 30th August 2018.

The thesis describes the legal aspects and limits of an individual's behaviour in wild nature in the context of nature and landscape protection.

The first part of the thesis focuses on the general definition of the key concepts. A definition of wild nature, an individual, movement and stay is given. The following part is divided into chapters according to the kind of area in question, namely movement and stay in the forest, in agricultural areas, on water and in caves. A chapter is dedicated to particularities of specially protected areas. Two chapters of the thesis deal with the legal framework regarding plants and animals. Another chapter deals with staying in wild nature overnight, particularly with regard to camping or bivouacking in the Czech Republic. Penalties that may be imposed on individuals violating regulations concerning movement and stay in wild nature are also mentioned. Description and interpretation of signs used is given for the sake of better orientation in the field. A special section is dedicated to overnight stays in wild nature with focus on the interpretation and distinction between camping, overnight stay and bivouacking in the context of Martin Hyt'ha's case.

The main contribution of the thesis lies in the fact that it summarizes in one place a rather fragmented legal framework of movement and stay of individuals in wild nature. It also features practical tips that can be used as guidelines in the field, especially in such cases when the situation is unclear and would otherwise require a detailed analysis in order to comply with the law. Furthermore, the thesis points out ambiguities in concepts regarding movement and stay in nature that have not yet been defined. For selected concepts, camping and bivouacking for example, the interpretation and application in judicial proceedings is given.

The thesis is intended for anybody who wishes to avoid violating the law during his or her movement or stay in nature. It provides clarification of what is and what is not allowed and information about nature and landscape protection in the Czech Republic. It might also serve as an inspiration for creating a new legal regulation.

Key words: an individual, stay, movement, legal regulation, wild nature