

Public use of natural goods

Abstract

The diploma thesis deals with the legal regulation of public use, as the right to free use of public affairs by an unlimited range of subjects, namely natural goods, namely air, water, forest, and landscape, as components of the environment.

Jurisprudence distinguishes between general and special public use. General use can be considered a basic type of public use, which is usually established by law. For some farms, such the atmosphere arises from their natural nature and the emergence of general use by the owner's de facto dedication to the farm cannot be ruled out. The special use is realized based on the act of application of the law always issued by name to a specific entity, which can be both a natural and a legal person. Permits for special uses are issued by administrative authorities, whose jurisdiction is defined by the individual laws under which the permit is issued.

Ownership of a public matter is limited by public law but is not completely withdrawn. Within the framework of public use, relations arise between users and owners of public affairs. The content of these relationships is mutual rights and obligations. It is the user's right to use the natural property within the set limits and at the same time, it is the user's duty to refrain from actions that would exceed the property right of the owner of the natural property beyond the permissible level. On the contrary, the owner of natural property is obliged to tolerate the use of public law within the scope of public law.

The Czech legal system does not give the user of a publicly accessible natural property the right to directly claim the protection of public use against the owner, who prevents such use. Protection of public use is provided by institutes of public law, such as prohibitions, restrictions, administrative supervision, or the determination of the facts of offenses or protection zones of natural goods.

The owners of these goods can claim the protection of their rights both within the limits of public law and also through the rules of private law.

Key words:

air, water management, the right of free access to the landscape, the right to enter the forest