

This work concerns the theoretical and practical effects of Czech cemetery and funeral laws on the legal disposal of dead bodies, parts and remains - analyzing institutions and entities providing services concerning the body of the deceased.

The work is divided into four main parts:

Legal disposal of dead bodies - general viewpoints

Legal disposal of the dead bodies - general viewpoints of cemetery law in practice

Legal disposal of human remains - cremations and funerals

Legal disposal of the dead bodies and human remains - crimes and offences.

The introduction describes the nature of this work and general terms related to the legal disposal of dead human bodies and remains, such as death, dying, funeral ceremonies and different national attitudes to these concepts which have been changing over the centuries and have been influencing the behavior of the generations in regards to the disposal of dead bodies. Initial disposal methods included simply removing the body from the dwelling area and leaving it to be eaten by animals, placing the body on some scaffolding so that the soft parts would biograde and leave the bones for retrieval and storage.

Czech funeral and cemetery laws have been considered public laws. This legal tradition is based on legal principles and institutes dating back to the 18th century, such as official pronouncement of death, ways of disposing of dead bodies and regulations concerning cemetery establishment and abolishment. Public interest in funeral and cemetery laws can be seen in many areas. The death itself and legal disposal of dead bodies need to be regulated due to medical, hygienic, criminological, social and financial aspects, which are described in the work.

During the course of research for this work the author noticed that legal regulation of cemetery operations does not necessarily have to be regulated by public laws emphasizing the public interest, as at present operating a cemetery is a service provided in the public interest by a municipality, but this area could slowly be opened also for private legal entities as it is usual in the Anglo-American legal tradition.

The introduction also includes the main aims of the work:

- to describe and analyze present laws regulating the legal disposal of human bodies, bodily parts and remains,
- to state the main problems of the current regulation and to suggest suitable solutions,
- to compare Czech laws with foreign laws and also stress the necessity of the regulation of all the described entities and activities concerning the legal disposal of dead bodies in one law.

The work itself starts with the problematic legal definition of death –whether the law can effectively define death. This is followed by public law regulation of the pronouncement of death, its description and areas opened to debate.

The work describes and analyzes the laws regulating the provision of autopsies. The author objects to this type of legal regulation, as this area is regulated by a sub-legal regulation instead of a statutory law, suggests the legal regulation in the form of a statutory law and also mentions other disputable issues.

Legal regulation of autopsies in the work is followed by the legal regulation of body preservation services, mainly embalming. Both the technical procedure and historical aspects of embalming are mentioned, together with suggestions about amending the law. The author argues that the legal definition of the term embalming is ambiguous and also mentions the necessity of public law regulation of preservation services and the rights and duties of people acting in this field.

Czech law does not regulate cryonics – the preservation of a body through vitrification although this lack of regulation can have important legal results. The author describes technical and legal aspects of cryonics using mainly foreign literature and laws and tries to analyze whether this scientific procedure is allowed or banned by Czech law. The author also analyzes the legal status of the preserved person/body and debates the necessity of a public law regulating this area.

Human dead bodies and their parts can be under Czech laws used for cadaveric organ donation, scientific and research purposes. Dead bodies and body parts may not be used for financial gain. These particular ways of using a dead body are described and analyzed in the work, stressing the contraversional points, such as the necessity of consent to organ or body donation and the question of whether or not a body can be a source of financial gain.

The work also deals with the position of cemetery laws in the Czech legal system. The author determines the position of cemetery laws as a subdivision of administrative law and analyzes its public law character.

After an overview and an analysis of historical laws, the author describes the main current cemetery and funeral law - the Interment Act of 2001. This act regulates the disposal of dead bodies and human remains, the rights and duties connected with funeral service operations, preservation of bodies and operations of cemeteries and crematoriums. The act consists of several parts describing regulated areas, defining crucial terms, dealing with funeral services, body preservation services, crematoriums and cemeteries. Offences and penalties are also included. The author describes and analyzes the Interment Act and points out debatable sections of the law :

- whether the dead body is a thing in a legal sense, and through this a subject of law
- which relative is the agent authorized to decide about the legal disposal of the body
- whether a person during his life can conclude a contract regulating his funeral and under what conditions
- the legality of regulating acceptable price mark-ups in funeral services
- billing for transportation to the autopsy even if not requested or permitted by a relative of the deceased
- the right of a municipality to arrange a funeral at its own discretion and expense in case that a relative does not arrange a funeral within four days of the pronouncement of death.

The Czech Interment Act is also compared with the Slovak Interment Act.

Other laws affecting this field are also described and analyzed in the work, as well as relevant international agreements.

State administrative organs as a part of public administration organization are named and their rights and duties are analyzed. Mainly rights and duties of the municipality offices are analyzed and also new ways of solving problems in this area are suggested.

The dead body "changes" into human remains by either cremation or by being buried. That is why cremation and cemetery laws are a necessary part of this work. Cremation as a way of legal disposal is viewed from many aspects - religious, historical and legal. The Czech law regulating cremation is not as comprehensive as foreign laws, and through legal comparison, improvements are suggested.

Cemetery laws, laws regulating cemetery establishments, supervision, operating and abolishment of cemeteries, and the rights and duties of individuals and legal entities are described. This work analyzes the current and proposed legal status of posted cemetery regulations, including whether they fall under private or public law, and by whose authority they may be issued.

After the analyzes of the legal regulation of the cemetery as a whole, the author devotes to the legal status of the grave in particular, from ancient Rome to the present, and emphasizes the last three hundred years. The cemetery was originally a church facility without state control, but the state has increased its own authority until now most cemeteries are under state regulation. At present a grave has the same legal status as a cemetery and it is owned by a municipality, church, or aristocratic family. It is registered in the Land Registry and liberated from taxes. Grave sites can be rented from the municipality under the special legal regulation of the Interment Act.

A specific group of graves are war graves, which are regulated by the Law on War Graves and Sacred Ground of 2004, which is analyzed in this work. The law accompanies the legal regulation set forth by international agreements. It is the first statutory law here dealing with war graves, their

maintenance, the rights and duties of the state organs in this field, and their rights to penalize people for violation of the law. The author describes the historical context and present state and stresses disputable parts of the law, such as duties of the owner of the land on which the war grave is situated, the limitation of the owner rights, the access to the grave and whether the grave is a subject of public use.

The end of the work deals with crimes, offences and penalties in the field of the legal disposal of dead bodies, their parts and bodily remains. That is why the author analyzes the Offence Law, the Interment Act and also The Criminal Code in the parts governing actions concerning proper and legal disposal.