

Delictual liability of natural persons in the environmental protection

I have chosen the subject delictual liability of natural persons in environmental protection for topic of my Master's degree thesis. The first reason why I have opted for this subject is due to the fact the environment is present everywhere and is a resource that needs to be protected as it is necessary to the human kind to survive. The law is one of the most powerful tools that can help protecting the environment. The second reason is that it does allow me to link several other law areas of interest which are administrative, criminal and environmental.

The thesis contains three main parts. The first one is mainly dedicated to the legal liability while focusing on the responsibility in the environmental law. Also are mentioned the fundamental principles of the delictual liability in the Constitution.

The second part relate to the criminal liability of natural persons in the environmental protection, starting from the basics of the international and European Union law. Further to this I have reviewed the past history in the Czech Republic, with supporting dated examples, showing how effectively the environment has been preserved by the criminal law. I have continued with a review of the current situation of how the environment is being preserved under the new criminal regulation. Lastly, an area of the law that does not currently exist in the Czech Republic which is the criminal liability of corporations for environmental offenses, will be exposed. However this could potentially be reviewed to be included in the regulation.

The third part concentrates on saving the environment using the administrative law. I have started with the fundamental principles of the liability of natural persons in administrative law and continued with an analysis of the administrative infractions, the penalties for committing those infractions and the administrative procedure. I have also attempted to compare the main differences between the criminal and the administrative liability. Finally, the administrative responsibility of natural persons in some specialized regulations has been reviewed which are for example the regulation of water, soil, landscape, forest or nature.

In conclusion, the main purpose of the thesis is to analyse what is the current situation of the delictual liability of natural persons in environmental protection, understand the differences between the criminal and administrative law for the protection of the environment, find the inadequacies of the current rules and regulations, and propose or share some thoughts on how those concerns could potentially be resolved in the future.

Keywords:

- protection of the environment – ochrana životního prostředí
- delictual liability – deliktní odpovědnost
- criminal liability – trestněprávní odpovědnost
- administrative liability – správněprávní odpovědnost