

Abstract

The Protection of Personality in Media Law

The aim of this thesis is to investigate and analyze legal relations arising from the protection of personality in terms of general civil law on the one hand, and on the other hand in relations to the institutes of media law. The thesis puts emphasis on the analysis of the relevant judicature because legal protection of personality is significantly amended by the case law. With regard to the future re-codification of private law in the Czech Republic, the thesis also pursues the question of legal protection of personality “de lege ferenda”.

The first chapter defines and specifies general terminology concerning the system of protection of personality. This part provides a comprehensive interpretation of the relevant regulations in the Civil Code concerning the protection of personality, describes the mutual relation between the terms, and points out some issues of the current legislation.

In the second chapter the author focuses on the issues of media law. Special attention is paid to the analysis of the specific institutes of protection of personal rights in media law, the right of reply and the right of subsequent notification.

The next chapter provides a detailed analysis of selected questions from the perspective of the relevant judicature. These questions are related to the conflict between the protection of personality and the freedom of speech, the analysis of different adjudication of the factual statements and evaluative opinions, the analysis of particularities of protection of personal rights of publicly employed people, and the interpretation of active and passive legitimacy determination. These specific problems were selected because they are common for the application of civil remedies as well as for the special legal institutes of media law.

The last chapter provides a comprehensive interpretation of the protection of personality “de lege ferenda” contained in Act No. 89/2012 Coll., the Civil Code. Here the author not only gives an complete argument in regards to the future of the law on protection of personality, but also critically analyzes the upcoming changes and discusses their possible impact on the legal practice.

The thesis deals with problems that frequently arise in judicial practise of the protection of personality, sums up the relevant current judiacture of Czech and foreign courts and deals also with problems often ignored by the literature.