

Abstract

The thesis addresses primarily the conflict between the protection of personality and another constitutionally guaranteed fundamental right – the freedom of expression. These rights, that happen to be often in a conflict, are rights of an equal legal protection, one does not have a priority over the other one and so it is a challenge for the courts to decide which one to prefer in particular cases while taking the specific circumstances of the each case into account. The thesis aims to examine this conflict in detail and to analyse it.

The first chapter focuses on general questions related to personality rights, addresses the term 'personality', the historic development of the personality rights regulation within the area of the Czech Republic and its presence in the current legal system with the accent to the recodification of the civil law, which has taken place hand in hand with the act no. 89/2012 Coll., Civil code, entering into force, while an assessment of the changes that the new regulation of the civil law has brought is one of the partial aims of the thesis.

In the second chapter is discussed the unlawful interference with the personality rights that constitutes a private law tort. In the same time this chapter addresses the circumstances excluding the unlawfulness and deals with the right to criticise and the status of public figures. The latter two topics are specific areas of the personality rights and freedom of expression conflict.

The third chapter focuses on particular partial personality rights that are often injured through the media with the emphasis to those that are more in detail addressed also by the Civil Code, i.e. the right to image and likeness and right to privacy. In detail are discussed also so called legal licences, that are also regulated in the subdivision 'Likeness and privacy' of the Civil Code.

The right to criticise and the status of the public figures are subject also to the chapter four, respectively to its latter part where are two chosen essential judgments of the Constitutional court analysed. The first part of this chapter focuses on the freedom of expression, its necessity in the democratic society and the attention is also paid to the algorithms that are used by courts while assessing the personality rights and the freedom of expression in the case of their conflict.