An informed consent of a patient is an institute in the area of medical law, which is still being developed and deals with both private and public legislation. It is one of the legal reasons for interference into physical and mental integrity of a patient, without which every act would be unlawful.

This thesis provides an overview of the current legislation of this institute in the light of the new Civil Code, outlines possible application issues between the new legislation and the legislation that is no longer effective. The aim of this thesis is to give a comprehensive review of the criminal aspects of the informed consent, especially its role as a circumstance of justification. The content of this thesis is an analogous legislation in the Federal Republic of Germany, which is being compared to the Czech legislation in the final chapter.

The thesis consists of seven chapters. The first one deals with the relationship between the doctor and the patient and its changes in time periods, which are necessary for the new legislation to be well understood.

The second chapter gives an overview of the current legislation starting with the constitutional law, including international treatments, statutes, the Code of Ethics, all over to the regulation of the Czech Medical Chamber. It focuses on specific parts related to the informed consent.

The third chapter is divided into five parts and aims at the legal institute of the informed consent. At first the author explains the very concept and the legal nature of this institute and the second part regards to the entities that are authorized to give such consent. The third part deals with the forms of the informed consent. The last two parts describe a negative bond and a state of emergency, the two institutes, which are closely related to the informed consent.

The fourth chapter concerns previously expressed wishes.

The next chapter deals with the criminal aspects of the informed consent, namely the criminal liability of providers of medical services, and analyzes in detail the circumstances of justification, which in the context of health care are eligible.

The sixth chapter focuses on a similar criminal legislation in force in the Federal Republic of Germany and the final chapter compares the legislation in both states.