

## **Abstract**

With the establishment of paternity sooner or later encountered almost every one of us. Although the paternity law and establishment of paternity is already known from the times of ancient Rome, it remains a relevant and contentious topic. The aim of this thesis is to comprehensively explore and explain the establishment and denial of paternity in the Czech legal system. The thesis is divided into eight chapters.

The first chapter deals with the conceptualization of family and parenthood. It is necessary, because the current Civil Code contains these concepts. However, it does not define them. To further develop the thesis, it is therefore crucial to specify, what exactly those concepts mean within the Czech legal system. The first part of this chapter examines in detail the concept of family, in the second part is dealt with parenthood. In this context, it is illuminated exclusively legal parenthood and disputes between legal, biological and social parenthood.

The second chapter focuses on the history of establishment and denial of parentage from the time of ancient Rome, through the period of General Civil Code (1811), the Law on the Right to Family (1949) to the Law on Family (1963). The second chapter is also divided into two sections, namely the historical development and establishing parentage at the international level.

The third chapter concentrates on the establishment of motherhood. Since the relationship between a father and a child is facilitated by a mother, it is needed to outline the fundamental problems related to the establishment of a motherhood. Apart from a general introduction to the problem, the four subchapters deal respectively with the surrogate motherhood, secret births, anonymous births, and baby boxes.

The fourth and fifth chapters contain the most fundamental parts of the thesis. The fourth chapter analyzes in detail the establishment of paternity. This chapter is divided into subchapters according to the system of the so-called presumptions of paternity. It begins with a general commentary on the issue. This is followed by an analysis of the presumption in favour of the mother's husband. Subsequently, the presumption of paternity in case of a child born after the commencement of divorce proceedings is researched. Then the analysis of the presumption of paternity in case of a child born through artificial insemination is offered, followed by the presumption of paternity based on the joint declaration. The part finishes with a short comment

on paternity based on the assumption that the father is a man who had a sexual intercourse with the mother at the time of conception.

The chapter five deals with the denial of paternity based on the aforementioned presumptions of paternity and partly engages in the issue of periods of prescription for denying paternity.

The sixth chapter explains procedural aspects of establishment and denial of paternity and associated problems. It demonstrates, how the legal procedure for the determination or denial of paternity normally begins, what does the process contain, and how it may be terminated. In addition, one of the subchapters is devoted to the types of evidence, which are prevalingly used to establish or deny paternity.

The seventh chapter compares the laws establishing paternity in the Czech Republic with a chosen foreign regulation, specifically with the regulations in Denmark and in Japan.

The last chapter addresses problems associated with the establishment and denial of paternity and introduces some considerations *de lege ferenda*.