

Abstract ENG

The legal framework for the recreational use of landscape

In my thesis, I focused on the legal regulations of certain forms of freedom of movement, as it is stated in the constitution. It particularly deals with recreational or outdoor activities, performed by public in the nature and countryside (especially at forest) as the general public right to trespass the lands which are in public or private holdings. Outdoor activities are not the subject matter of traditional law institutes, the issue is a relatively young branch of law. The legal regulation of outdoor activities is not complex act in Czech law, the legal act is fragmented into many regulations which are predominantly parts of the public law. Forasmuch as above-mentioned the interpretation and problem solving in practise are disunited, there are hundreds of contradictory opinions and points of view on the issue.

The thesis is concentrating in the conception of freedom of movement, constitutional right which is guaranteed by the provision in the article 14 of “the Charter of Fundamental Rights and Basic Freedoms”, and the legal constraints of this kind of freedom. The freedom of movement is circumscribed mainly by the legal regulations of public law. Most important statutes related to the protection of the freedom are Forest Act, Nature Conservation and Landscape Protection Act, Civil Defense of State, water legislation, game law and ground communication legislation.

My goal was to summarize the general content of the everyman’s right to access and use of landscape, and list legal restraints of this right, protecting both legitimate public and private interests (which can sometimes collide with the everyman’s right). I am also focused on certain legal concepts, such as public use of roads, clasification of forest roads and paths or matter relating to common land usage. Many concepts, such as mentioned above, are theoretical legal constructions attempting to handle various situations of everyday’s reality, so it’s often subject of complicated legal interpretation. For comparison, I introduced a little of Norway and Swedish legal regulation of using landscape for recreational purposes.