

Abstract

The principle of autonomy of will is a fundamental principle of private law. It is impossible to imagine the functioning of private law without it. The principle is primarily based on the principles of equality and freedom, the key principles on which the foundations of a democratic legal system and free society are built.

The aim of my thesis is to define the autonomy of will, compare the principle of autonomy of will with other fundamental doctrines and principles from which it arises and/or principles which are closely related to. I believe that most of the legal relationships based on private law are founded on the principle of autonomy of will, therefore, I decided to describe some of these institutes in more detail in my dissertation as well.

The thesis is divided into a general part and a specific part. In the general part I deal predominantly with the inclusion of the principle of autonomy of will into the principles of private law. This part also contains some theoretical concepts and is closely linked to constitutional law, the Bill of Fundamental Rights and Freedoms and the principles on which the Civil Code is built. I further deal with the interpretation of certain terms, then the principle of autonomy of will itself and how it is perceived by several authors. In addition to that, I compare of the inclusion of the concept of autonomy of will into the system of legal principles.

In the second chapter of the general part I am searching for the grounds of the principle of autonomy of will and I briefly outline the historical development of this principle and how this principle was a key starting point for some philosophers and intellectuals in the period of the enlightenment.

The third chapter deals with the limits of the autonomy of will and projects the principle that one man's freedom ends where the freedom of another begins.

The special section is divided into chapters corresponding to the selected areas of private law. I have chosen some of their institutes and demonstrated the reflection of the principle of autonomy of will in their use. In this section I do not deal with all institutes of the relevant area of law because it would not be possible or practical in terms of the scope of my dissertation. I have only chosen the themes that I considered relevant or interesting. In the chapter concerning the principle of autonomy of will in the area of family law I also included a section on how the freedom to choose name and surname of a person works which is not usually dealt with in connection with this topic.

This dissertation also covers the future legislation, in particular the new civil code, in which it is evident that a greater emphasis is placed on the application of the principle of autonomy of will. One may only assume that *de lege ferenda* the position of the principle of autonomy of will in our legal system will not significantly change, and if so, only in the direction of is strengthening.