

ABSTRACT

The thesis is focused on the legal regulation of protection of personality rights. This topic is up to date not only because of the media exposure, but also with regard to the recodification of private law. The focus of this thesis lies on Act no. 89/2012 Coll., Civil Code, which is compared to the antecedent legal regulation. The personality protection belongs to fundamental human rights therefore the thesis includes the constitutional overlap and interpretation of international agreements.

The work is divided into six chapters. The first chapter deals with the development of personal rights from a historical perspective. There is also mentioned legislation of Czechoslovakia and the Czech Republic. The second chapter deals with the interpretation of the concept of personality, the theoretical concept of general personality right and possibilities of its limitations. Part of this chapter shows a non-exhaustive list of values protected by the general personality right, namely the right to physical and mental integrity, the right to personal liberty, the right to a name, the right to likeness, the right to honor and dignity and right to privacy. The third chapter provides an overview of legal regulation of personality rights at the international and constitutional level, the general Civil Code regulation and special laws regulation, especially in media and healthcare. The fourth chapter is aimed at the legal means of protection of personal rights. In the beginning this chapter defines general concepts (unauthorized intervention, active and passive legitimation) and subsequently it deals with the various legal means of protection under the Civil Code, as well as the protection under criminal law and the possibilities specified in other laws - particularly the right of reply. This chapter also briefly mentions the possibility of filing a constitutional complaint and complaint to the European Court of Human Rights. The fifth chapter outlines a possible solution of the conflict between the personality rights and freedom of expression with numerous references to the case law. The sixth chapter contains a brief description of the protection of personality rights in France.