

Resume

Findings collected in this rigorosum thesis confirm that functional and sensitive settings of the universal system of private law, which provides the legal protection of values connected naturally with human being against unlawful attacks, is an essential task for every civilized legal environment because the natural values connected with a human are really important.

The text suggests that the conception of this legal protective system consisting of three cohesive components, namely the conception of an object of legal protection, civil liability, a list of protective rights), is shaped by findings, which have their origin in legal theory, written laws and case law.

At the beginning of this rigorosum thesis I concentrate my attention on the first component of the legal protective system. Due to the elastic range of legal protection exclusively focused on human being as an individual, and as a person of law in the legal sense, it is allowed to try to achieve protection of all natural values of human being, that in the summary create *the most personal, the innermost and the most intimate sphere of human being*¹. This type of particular values has either a biological or psychological or sociological character. The substantive definition of the interest which is protected by law, cannot be complete. In solving a particular case, individual natural values of a human being can be newly defined. For example, in its case Mrs. Guerr and others versus Italy, the European Court of Human Rights stipulated that the object of this protection includes the forming of a human life in the safe environment.²

According to the analysis provided in this thesis, the values of humanity have many specific attributes determining the character of rights, whose purpose of existence is to provide the protection of these values. Values which are protected by the legal order in the Czech Republic include naturalness, innateness, inalienability, impenetrability, irrevocability as values connected with a human being. One of these dominant attributes of natural rights - naturalness refers to the fact that the creation, duration and destruction of natural rights is automatically fixed to the duration of existence of every human. This is the reason why these rights are not fixed to law-making acts. All persons in law must accept each other's natural rights and they must permit their holders to perform these rights within the legal order.

¹ Rozsudek NS ČR ze dne 13. 12. 2000, sp. zn. 30 Cdo 2870/2000.

² DOLEŽÍLEK, Jiří. *Přehled judikatury ve věcech ochrany osobnosti*. 3. aktualizované a rozšířené vydání. Praha: Wolters Kluwer ČR, 2008, str. 176.

After provision the answer, which values should be protected by this legal protective system and which attributes are typical for this values, my attention was focused on the second component of this legally protective system - civil liability. I summarize different concepts, which deal with this legal instrument. I also describe the condition, their fulfillment is necessary for the activation of responsibility relationship between damaged human and offender. Additionally I focus my attention was also focused on extraordinarinesses, which are connected with this civil liability at its legal application in the area of the violation of natural rights. From the list of these extraordinarinesses I want to emphasize the importance of one of them, which consists in the legal requirement on the absence of culpability at the violation of natural rights. This absence is an exception from the subjectively conception responsibility regulation, which is contained in the Civil Code. The elementary purpose of this exception is the strengthening of the protection of natural rights.

Very important and comprehensive parts of this rigorosum thesis are focused on the third component of this legal protective system. In these parts of the rigorosum we can find an analysis of rights, which damaged human can use against an offender, in whose sphere these recognized rights have an affect as a civil sanction. Based on findings contained in this rigorosum thesis, Czech legal order provides damaged humans, who were threatened to their natural values or who had immediate harm caused to their natural values, much legal instruments, which are useble to reverse at lease partially a defective situation after realization of this illegal conduct.

According to the object of protection, which incorporates this legal system, in an increased rate against other solved rights I have analyzed the right to provide justiciable satisfaction. This kind of claim has a very diffucult task, because it should provide justiciable compensation only for non-material harm, whose extent and intensity are difficult to qualify from an objective point of view. In connection with this analysis, it can't be forgotten that the regulation of this kind of right is still new Civil Code. In my opinion this regulation of this right has positive aspects, because it strengthens the legal position of human, whose natural rights were violated. This strengthening is caused due the provision a wider possibility to use judicial discretion and also by the requirement on the form of sanction, that should fulfill preventively - sanctioned function.

After recapitulation the most important finding, which are contained in my rigorosum thesis, I can state, that this king of Czech legal protective system provides human beings sufficient guarantees on protection of their natural values. This legal protective system is confronted by social development and so faces many challenges. The most difficult and the

most important of these challenges, especially from a perspective of judicial - making practice, I find in continuing effort, which help to overcome the ethical neutrality of liability, when harm is caused to the natural rights of a human being.