

Private law instruments of environmental protection

Abstract

The content of this thesis is the identification of relevant private law institutes and their possible application to environmental protection, not as potential alternatives to public law regulation, but as a complement to it. The aim of the thesis is to evaluate selected private law institutes for environmental protection, to analyze their possible application and limits, as well as to determine their possible interdependence with public law. The introductory chapter deals with the theoretical definition of concepts such as the environment, instruments of environmental protection and the differences between public and private law. Further, attention is paid to the constitutional enshrinement of environmental protection, including through fundamental rights other than Article 35 of the Charter of Fundamental Rights. The chapter further focuses on the motivation of private law subjects to protect the environment, especially in relation to the anthropocentric anchoring of the discussed private law institutes. The third chapter then discusses the central institute of private law and this thesis, namely ownership, which is also an important prerequisite for the application of some of the other institutes discussed, while a significant part was devoted to the division into ownable and unownable components of the environment. This chapter is then directly followed by a discussion of the related legal relations between the two neighbours and the possibility of applying the institutes of neighbourhood law to protect the environment. The penultimate chapter is devoted to the institute of compensation for damages and the related duty of prevention. The last part of this thesis dealt with the possibility of applying environmental protection through the protection of personality rights. The thesis then presents an analysis of the above-mentioned private law institutes in relation to environmental protection and an evaluation of their advantages and disadvantages in comparison with public law. For many of the aforementioned institutes and their possible application to environmental protection, their limits and possible developments towards their effective application were then identified through specific case law examples.

Key words: private law, protection of environment, environmental protection instruments