

Abstract

Doctor protection vs. patient protection.

This diploma thesis deals with the medical law, namely the protection of physicians and the protection of patients, and their mutual comparison as entities standing more or less against each other. The main objective of the thesis was to analyse the protection of both sides; the practical example provides describes a controversial situation which may happen in reality, also gives better understanding of the issue for readers. The aim was to capture the complex and also very extensive legal regulation of the topic, focusing on the touchpoints between the medical and civic laws. In view of the wide range of the topic in question, I consider specifically some sections of the thesis as the most important.

At the beginning, the thesis provides a specification of the elementary legislation regulating the medical law. This is not a comprehensive list of resources, due to the enormous extent of the legislation regulating the medical law. Individual chapters describe the topics of informed consent and the protection of personal data, the provision of healthcare without the patient's consent and the special arrangement concerning the consent of underage patients, the relationship between the physician and the patient, the confidentiality duty, previously expressed wishes and the possibility to release patients from treatment based on their written statement. Furthermore, the thesis describes the basic principles on which medical law is built, including the law of medicine, ethics and morals in medicine, historical development of the relationship between the physician and the patient in the Czech Republic, and the comparison of the Czech legislation in selected areas with the corresponding legislation in Slovakia.

Because this issue is still topical, owing to the significance of the human health status in the society, it is very likely that the legal regulation of the individual medical law themes will be the subject of many expert discussions and, in particular, the court case law.