

Abstract

Legal and ethical aspects of human organ and tissue transplantation

The topic of this thesis is *Legal and ethical aspects of human organ and tissue transplantation*. It provides an overview of current legislation related to the issue of transplantation of human organs and tissues. Subsequently, it analyzes the most basic ethical dilemmas, which are faced by the professional and lay public in connection with the legal regulation of the transplantation process, then supplements them with the author's view of the matter, including recommendations de lege ferenda.

The thesis is divided into six chapters, including the introduction and conclusion; the chapters are further divided into individual subsections. The information used to write this thesis was obtained from academic literature in the form of monographs, commentaries, academic articles, jurisprudence and legal regulations, including their explanatory reports. Furthermore, the text is based on internet sources and the podcast of the Institute of Clinical and Experimental Medicine.

The aim of this work is to analyze the legal situation, outline the basic ethical questions, including the arguments that are connected with them, and then bring them into confrontation with contemporary legislation through considerations de lege ferenda. Furthermore, the aim is to provide a brief discussion of the shortage of organs for transplantation, which is still a persistent problem in the field of transplant medicine.

The *Transplantation* chapter is an introduction to the topic as a current phenomenon, the existence of which means saving the lives of an increasing number of patients, set in a historical context.

The next part of the thesis *Legal regulation of transplants* contains an analysis of the relevant legal regulation. First, it presents an analysis of international and EU sources, and then, through constitutional law, it gets to the issue of the nature of the human body and its parts, which the law does not perceive as an object of ownership, but protects it as part of the protection of personhood. In this chapter, the greatest emphasis is placed on the legislation contained in Transplantation Act, which is the main regulation governing the transplantation process, from the procurement ex vivo or ex mortuo, until the allocation of individual transplants to their recipients.

The chapter *Ethical aspects of transplants* deals with controversial issues regarding transplant medicine and its legal regulation. It deals with the issue of organ harvesting from a deceased donor, in particular considerations of the concept of presumed consent, brain death, prohibition of commercialization and redistribution of organs.

Despite the fact that the Czech Republic is one of the European leaders in terms of the number of transplants performed, it is necessary to find new ways to obtain organs suitable for transplantation, either by adjusting the system of their functioning through legal standards or by introducing new methods that are the result of scientific and medical research. The content of the last part is *Reflections on the lack of organs and the possibilities of its solution*.

Keywords: transplantation, human body, medical law, ethics