

Public policy as a corrective to autonomy of will in private law

Abstract

The thesis deals with public policy and its role in private law. Public policy, as one of the correctives of the principle of autonomy of the will, is intended to protect the fundamental and basic interests of the state and society by limiting the absolute freedom of any arrangement of private law relations.

The objective of this work is to create a comprehensive text that would provide a complete and objective study of this corrective. The thesis is divided into five basic chapters and a conclusion. Public policy in private law acts as a corrective to the principle of autonomy of the will, and this principle, together with its ideological basis, was introduced in the first part of the thesis. Then, the concept of public policy could be introduced in part three. The basic notion of what public policy should be, the understanding of public policy in its national and international contexts is discussed, but also the distinction of public policy with respect to the public interest or the distinction with regard to the corrective of good morals is also discussed in this part of the thesis. The fourth part of the thesis no longer focuses on the theory behind the notion of public policy, but examines public policy in the current legal framework, with a practical emphasis on the mutability of the content of public policy. The greatest attention is paid to its regulation in the Civil Code, since it is this private law code that establishes the corrective of public policy at the level of general civil law. The thesis analyses the role of public policy in civil law both in its general level and in relation to specific provisions that explicitly contain public policy. In the next section, space is devoted to other private law provisions that work with the concept of public policy to varying degrees, such as the Labour Code or intellectual property law. The last parts of the thesis deal with the practical form and functioning of public policy in its international and European dimension. The theoretical framework of the international or European level of public policy is reminded and the interpretation of the issue is further expanded.

The aim of the thesis is to achieve the set goal by a detailed explanation of the theoretical basis of the corrective of public policy, but also by a thorough analysis of its practical functioning and various forms within the legal system.

Key words: public policy, corrective of autonomy of will, national and international public policy