

Monument care: Duties and their violation in our law

Abstract

The Czech Republic is an area where almost any small village is a home to a cultural monument. We indeed possess one of the richest cultural heritages in the world. However, it is important and necessary to protect them so that knowledge and experience can be drawn from them by future generations as well. Such protection is associated with a series of duties that various entities must fulfill. This master's thesis specifically deals with these duties. Its goal is to describe and evaluate the state of legal regulation of monument care in relation to these duties and their violations. The focus is primarily on owners of cultural monuments and other obligated entities who are authorized to conduct archaeological research or restore cultural monuments.

Therefore, due to the current relevance of the entire topic, this work has been created. Moreover, it could, at least partly, serve as a form of enlightenment, even for the general public. To a large extent, it engages with the Act on State Monument Care, commentary literature, and case law. Simultaneously, problematic sections are illustrated through practical examples derived precisely from judicial decisions. Also, critical attention is given to problematic areas that are nearly ubiquitous in the legal framework. The reason primarily stems from the time of its creation. Consequently, it is not possible to respond to the development of modern-era technologies and other challenging factors.

This master's thesis consists of an introduction, 4 chapters, and a conclusion. The first chapter provides an overview of fundamental concepts. These will serve as essential foundations for the rest of the text. In the second theoretical chapter, the issue of offenses and administrative sanctions is summarized and explained. In public law, the breach of an duties generally serves as grounds for the development of administrative liability. Therefore, understanding this phenomenon is important. In the third chapter, we delve into the duties themselves and their violations in monument care. Where necessary, concrete examples from practical application are included to provide a better understanding. The fourth chapter delineates the boundary between criminal offenses and misdemeanors. Here, several key elements of criminal offenses related to monument care have been selected, outlined, and also supplemented with practical examples.

The conclusion of the work comprises a summary and the evaluation of the insights from all preceding chapters. Highlighted are the most significant issues associated with monument care that have been examined in this thesis.

Keywords: monument care, Act on State Monument Care, monument's owner's duties