

Legal environmental protection of selected components of the environment in collision with the right to property

Abstract

This rigorous thesis focuses on the protection of environment, or its selected components, property rights, and conflicts that arise between these two constitutionally guaranteed rights. The aim of this thesis is to provide a summary of the limitations on the exercise of property rights arising from selected environmental laws. This work focuses on restrictions affecting property owners, specifically landowners. The thesis is divided into two parts, with the first part introducing the subject-matter of the thesis, and the second part offering a detailed analysis of the legal regulations of individual environmental laws aimed at protecting the environment.

The first chapter defines environmental protection, outlines basic concepts, and discusses the incorporation of environmental protection into the constitutional order of the Czech Republic. The second chapter, in addition to defining property rights, its subject, characteristics, and constitutional basis, discusses legal limitations on property rights, including considerations related to expropriation. The third chapter briefly outlines the relationship between environmental protection and property rights.

The second part of the thesis provides a detailed analysis of the selected environmental laws, including the Nature and Landscape Protection Act, the Water Act, the Forest Act, and the Agricultural Land Fund Protection Act. The fifth chapter, dedicated to the Nature and Landscape Protection Act, summarizes the fundamental principles of protection and various restrictions on property rights, such as the state's pre-emption right, access to the landscape, and general protection measures. To ensure the protection of nature and landscape, expropriation or restrictions on property rights can be applied.

The sixth chapter, concerning the Water Act, outlines limitations on property owners for conducting certain activities or owning property in protected areas, zones, or adjacent areas. The seventh chapter summarizes limitations on the owner of forested land arising from the Forest Act, along with their responsibilities related to care and management. The eighth chapter deals with the legal regulations of agricultural land fund protection. Limitations on property rights in this context result from specified obligations, rules for land withdrawal from the agricultural land fund, and the obligation to pay levies.

Key words:

Legal environmental protection, property right, restrictions on property rights