

Determination of Paternity

Abstract

The master's thesis primarily delves into the intricacies of fatherhood and its determination and denial in the legal framework of the Czech Republic. It is complemented by a brief delineation of related institutions, such as motherhood and parenthood. The aim is not only to analyze the current legal regulations from a substantive legal perspective but also to explore its historical roots and gradual evolution in our territory. Additionally, a comparison is drawn with the relevant legal provisions in the legal system of Great Britain – specifically, England and Wales.

In the first part, attention is dedicated to defining the concept of fatherhood itself and reflecting on its three dimensions in Czech law, including insights from jurisprudence and doctrine. For context, the document also discusses motherhood and parenthood – terms distinct from fatherhood but intricately connected to it.

The second part focuses on the historical development of the legal regulation of fatherhood, starting from its ancient foundations laid down by classical Roman law, through the period of the first civil code in our territory, to socialist family law codes. The ways in which these historical developments have shaped the contemporary legal framework are explored.

Building upon the preceding sections, the third part scrutinizes the current substantive legal regulation of determining legal fatherhood, as well as the closely related regulation of its denial, as enshrined in the civil code. Attention is also given to relevant case law and the interpretations provided by legal scholars. Systematically, this part is divided into chapters corresponding to various presumptions of fatherhood, ensuring a comprehensive analysis. Key provisions in procedural law are also mentioned for completeness.

The fourth part primarily addresses the substantive legal regulation of determining and denying legal fatherhood in the legal systems of England and Wales, rooted in common law. For context, a brief summary of its historical development is included. Within this section, differences and similarities with the regulation in the Czech Republic, which derives from continental law, are presented.

Key words: determination of paternity, denial of paternity, England