

Abstract

Determining paternity in Czech and French law

The main subject of the thesis are the determination of paternity and the denial of paternity in Czech and French legal systems. The aim of the work is to compare individual aspects of establishing paternity in both legal systems, to present the basic concept and specifics of the legal regulations foreseen by law, to point out possible gaps in the given legislation and to examine selected factual situations and problems related to this issue.

The thesis is systematically divided into four chapters. The first chapter deals with the historical development of the legal rules of both legal systems, from the times of Roman law to the present. The development of methods used to determine paternity is also outlined here.

The second chapter focuses on the issue of determining paternity, which is based on a system of legal presumptions. In addition to introducing individual legal presumptions and their regulation in Czech and French legal system, this chapter focuses on the differences between the Czech and French legal systems and points to specific factual situations that are insufficiently regulated in the given legal system, or not regulated at all.

The aim of the third chapter is to systematically present the issue of denial of paternity in both legal systems, especially to present its shortcomings.

The fourth chapter deals with several selected problems. Some of these have already been marginally outlined in relation to determination and denial of paternity, and others are closely related to the regulation of establishing parentage. Specifically, this chapter focuses on the shortcomings of determining paternity based on the second legal presumption, both in the Czech and French legal systems, including the inconsistency or absence of legal regulation in relation to same-sex couples. It also focuses on the problematic aspects of determining paternity based on the third legal presumption, and last but not least, it presents and examines two specific and legally insufficiently covered factual situations that are closely related to the issue of determination of paternity.