

## **Abstract**

The topic of this thesis is the denial of paternity – the interests of a child and its social and biological reality. The origin of this concept can be found in Roman law and its approach to the family. Although the institution of fatherhood is known since the ancient Rome, it is still a current topic.

The aim of this thesis is to explain the topic of paternity denial from the child's point of view and its social and biological reality. Another topic mentioned is the paternity determination. "The mother is always certain" is a Roman-law principle, which founded the institution of parenthood. This principle and ascertained facts help to determine the paternity, which can be denied in the case of discrepancy of the ascertained facts.

In the first chapter I am exploring the historical view of the parenthood – since the ages of Roman-law until the family law. The chapter begins with Roman-law conception of the family, which laid the foundations of today's understanding of family. Then I will outline the evolution of the examined topic using the Civil code and family law.

In the second chapter I am evaluating the denial of paternity in cases when reasonable doubt of the correct law usage occurs.

The third chapter is about proceedings dealing with the denial of paternity.

The fourth chapter is the most important part of this thesis. The fourth chapter thoroughly examines the issues of the child's interests during the paternity denial proceedings. This chapter is divided into four subchapters. It begins with a general definition of a family, in which the child is raised. Then I will examine the main question of my thesis – the child's interests. I will also try to answer related questions such as social and biological reality if a child, the child's right to know its origin, secret births and babyboxes.

In the last fifth chapter I am looking into the German law and its paternity-denial legislation.

The relationships between parents and children are one the most important relationships in humankind. They are long-term, very close and sensitive relationships. The parents of a child are represented both by mother and father. The relationship between mother and her child begins with birth (conception). With the conception of a child the materialistic and biological relationship between father and the child begins. and is connected to social and biological reality.

Our country cares about creation of the relationships between parents and children in a way that is in child's best interests. Law and parents' obligations towards the child should be in every single case early and reliably ascertained and registered.

In a case of an argument between the parents, the law institution of paternity denial should come to use.