Summary

The dissertation deals with the problem of nudity, which is a social problem that has been known for centuries. Human nudity has been tainted with intimacy for years, but now is more on display. Currently, the sexualization of society is progressing, which is understandable to some and denied by others, but in a pluralist society it must at least be tolerated within certain limits.

The phenomenon of nudity arises interest from a legal perspective as well. However, law refers only to some aspects of contemporary nudity. There are still spheres that have not received any reaction from the legislator, because they are completely unknown before. This area is interesting because in relation to the right to nudity there are two opposing areas, which are the "right to nudity" and "the right to be naked", where the first should be understood as the right to be partially or even completely naked, and the second as the right not to be the recipient of unwanted nudity (partial or total) of another person. The legal aspects presented in the case are often controversial in nature, intertwining these two dimensions, which further intensifies the need for legal research devoted to them.

The aim of the work is i.a. to know to what extent these regulations sufficiently protect the right "to" nudity of some and, on the other hand, guarantee protection "from" the nakedness of others. In addition, the work's aspiration is to determine whether the applicable legal provisions on nudity form a relatively coherent conglomeration or whether they are so scattered that their knowledge and practical use must be associated with certain, sometimes serious, difficulties.

The work is divided into five chapters.

The first chapter explains what nudity is and what types of nudity are there. The historical overview of nudity is outlined and references to nudity in selected contemporary cultures and the status of nudity as one of human personal rights, are indicated. The second chapter contains analyzes of issues such as: recording and disseminating the naked image of another person, nudity in the context of the definition of pornographic content, nudity as an offense of indecent prank, exhibitionism, voyeurism, and nudity as an element of a prohibited act. The legal references to voluntarily displaying, viewing and receiving nudity by others have become the subject of the third chapter. It also covers topless, naturism, sauna use, breastfeeding,child nudity and nudity in the child’s presence, capturing and transmitting your own naked image to another person and posting it on the Internet, as well as viewing pornography and nudity in art.

The fourth chapter is devoted to the analysis of nudity during therapeutic, aesthetic and judicial activities. The subjects of this chapter are nudity during medical examinations and during medical and aesthetic procedures, as well as nudity in front of adjudication committees. Chapter 5 deals with nudity in criminal proceedings, especially during examination and searches, as well as nudity in penitentiary settings.

The study defines nudity as a certain state of a person, the existence of which is influenced by both the subjective feeling of a person, i.e. a certain sensitivity to the degree of exposure of his body, and an objective assessment, i.e. based on the rules and assessment of the sense of nudity, as well as the resulting feelings of shame, embarrassment, and more. One can distinguish between natural nudity, voluntary nudity, and compulsory nudity. One can notice an increased intensity of behaviors related to the exposure of nudity in social life, resulting not only from the weakening of the rules of decency in this regard, but also from the development of technology that allows, for example, the preservation of a naked image at a low cost and its immediate dissemination. It was also noticed that human nudity causes controversy in regards to the legitimacy of the criminal law protection of individual freedom and the preservation of the guarantee function of criminal law and the in dubio pro libertate rule. In addition, it has been assumed that there is a need to specify the standards of leading to nudity in therapeutic situations and compulsory behavior, including as a part of criminal proceedings and criminal enforcement proceedings. The paper also assumes that parental responsibility, although based on a broad rule of autonomy, must be subject to necessary and reasonable restrictions regarding the preservation and exposure of children's nudity. In the end, it was assumed that the recently controversial public breastfeeding is a moral issue and should not be regulated by law.

Legal provisions regarding nudity as a human state in its various dimensions and situations exist, but often only indirectly address this issue, as the legal assessment, criminal law include, can be only interpreted from them. As a consequence, new regulations in this area were proposed to keep up with the reality. One element of those regulations is a change in the approach to nudity, unfortunately, often contrary to the will of its administrators.