

## Abstract

The topic of this thesis is the return of the legal principle of *superficies solo cedit* into the Czech legal order. The thesis aims at the comprehensive overview and the analysis of the issue of this principle based on its inclusion both in the historical and contemporary context. Another objective of this thesis is to look at the registration of the principle, including related institutes, into the public register - the cadastre of real estates. This thesis is divided into three parts.

The first part of this thesis follows the development of the superficial principle across the history, including the comparison of its use in given legal orders. This section begins with a glance at Roman private law and its selected institutes which have been incorporated into modern Czech private law by the reception of Roman law. The room will be also given to the law of the Habsburg monarchy and the provisions of the ABGB, civil code that has been valid on our territory until the 1950. The last chapters of this part are devoted to land law in the socialist Czechoslovakia and, in particular, to the 1964 Civil Code.

The following section is the core chapter of this thesis. It aims to offer a comprehensive view of the re-establishment of the superficial principle in the context of not only the 2012 Civil Code itself, but also other related legislation, particularly with regard to exceptions to the principle, laid down in public law provisions. Selected legal concepts related with the principle are explained here as the author also tries to focus on the uncertainties and doubts surrounding the re-establishment of the principle.

The last part of this thesis is devoted to the land registry which, as a public register, is *inter alia* designed for the registration of the merger of buildings with tract of land. Attention is paid not only to the superficial principle but also to the way in which the principle and the related legal institutes are registered in the land registry. This section also provides a brief insight into statistics associated with the superficial principle.

The conclusion of the thesis attempts to offer an assessment of the legal regulation of the superficial principle in terms of its coherence, while it also aims to evaluate both the positive and negative aspects brought into the Czech private and land law by this principle.