

# Neighbourly disputes

## Abstract

The diploma thesis called Neighbourly disputes analyzes the issue of Neighboring Law, especially from the point of view of Civil Law. Given that the subject is not only concerned with Civil Law, the thesis also investigates Administrative Law and marginally Criminal Law. The purpose of the thesis is to deal with this very heterogeneous problem in a more complex way as it is not only in relation with legal fields, but also with technical and the others. The diploma thesis tries to answer these questions: what does the concept of Neighboring Law mean, what does this field deal with, whom it concerns, where can we find its legislation and which protection is provided by our legal order in case the agreement between the neighbors is not possible.

Neighboring Law has a very long history, dating back to the time of ancient Rome. Many legal institutes we know today have emerged back then. Servitude is one example. This thesis also deals with historical legal adaptations, namely with the Austrian Code Civil of the 1811, which became an inspirational source in the creation of the current Czech Civil Code. It also deals with the Czech Civil Code from the 1950 and 1964.

The crucial regulation can be found in the Civil Code No. 89/2012 Coll. The current legislation of Neighboring Law is more detailed, more extensive and much more sophisticated than previous adjustments.

The diploma thesis mainly works with institutes such as ownership, possession and easements (especially servitude). It also provides an outline of individual unwanted interventions, including immissions, threats to neighboring real estate, entry of farmed animals to neighboring land, removal of undergrowths and overburden, disputes over settlements etc. The final sections are focused on Neighboring Law contained in the Construction Act, in the Offense Law and in the Criminal Code. An integral part of the thesis is the chapter describing a protection provided by the administrative authorities and by the courts. For better illustration of the legal regulation, the diploma thesis also includes practical examples based on the case law, the literature, but also on the situations I have experienced.

**Key words:** Civil Code, neighbourly disputes, ownership