

ABSTRACT

This diploma thesis is focused on the legal regulation of individual institutes which mean the restriction of disposal of subject of the right of ownership. For the purpose of this diploma thesis the subject of the right of ownership means the land, respectively the plot within the intention of the Act No. 256/2013 Coll. on Land Register. The plot is an individualized part of earth surface which is determined by a boundary. In accordance with the above it is presumed that where the author uses “land”, she means the plot.

The aim of the diploma thesis is to present the detailed analysis of individual legal regulations which manage restrictions of plot ownership. It is clear that the topic of the diploma thesis is quite comprehensive, so the author has decided to present the basic concepts at first. The basic concepts are a land, real estate, plot and parcel and right of ownership. The author has build on the part of right of ownership the chapter two, which is about the restrictions of right of ownership that are laid down in the constitutional order and Act No. 89/2012 Coll., the Civil Code. Chapter two reflects the reasons behind the enactment of the restrictions of right of ownership in the legal order. The flagship part of the thesis is in the chapter three and four. This section is an analysis of a single institute of the issues of restrictions of right of ownership to land in a view of public law and private law. These chapters demonstrate some problematic questions which are regulated by laws or subsequently not regulated by the legal regulations at all; To which they are consisted of author’s considerations *de lege ferenda* which were recommended to the Parliament of the Czech Republic.

This thesis represents the analysis of the “anywhere and anytime” actual question of restrictions of the right of ownership to the land. Legal theory confers the right to ownership as the one of the main fundamental human rights which is necessary for the functioning of the democratic state, and is related to the economic activities within it. The right of anyone to own property includes also the obligation of everyone to not disturb the rights of others that is reflected by the individual provisions of the relevant acts. These relevant acts should build a hypothetical framework of the rules for the function of plot ownership adjacent to others.