

Abstract

The aim of the diploma thesis is to try to provide a comprehensive interpretation and analysis of the legal institute of easements and their individual aspects in the current legal regulation, taking into account the judicial decisions of the Czech courts after year 1989 as well as the case law of the First Republic related to the General Civil Code.

The thesis consists of four parts. The first part deals with the interpretation of the concept of *iura in re alinea* as the institute superior over easements. In the last chapter of this first part the institute of easements and their basic aspects are generally defined.

The second part of the diploma thesis describes the individual stages of the historical development of the institute of easements. The concept of easements in Roman law is being analyzed, taking into account some differences from its conception and modification at present. The following is an interpretation of medieval easements, and finally, the author deals with the modern legal regulations of the easements in the civil law legislation starting from the General Civil Code through the civil codes issued under the Communist regime in 1950 and 1964.

The third part, which represents the focus of the diploma thesis, provides a detailed analysis of the current legal regulation of easements in the Civil Code with reference to the relevant judicial decisions. The first chapter of this part provides an interpretation that deals with the general aspects of easements, that is, questions of the object of the easement, owners' easements, content and scope of easements, and the possibilities of protection of easements. The following chapters gradually analyze and comment on the creation of easements, the legal relations of easements, the division of easements into easements *ad rem* and *ad personam*, including the characteristics of every easement typified in the Civil Code, as well as the termination of easements. The author tries to provide a comparison of the current legislation with the previous legal regulations and to draw attention to its problematic areas.

The final fourth part provides an explanation of the legal regulation of the institute of easements in the United States, in which the author particularly focuses on such issues as the creation, transferability and termination of easement.