

Abstract, keywords

Concept of Increase and Accessio under Roman Law and Their Transformations

The thesis emphasizes the importance of original modes of acquiring ownership. Its aim is to describe the Roman law roots of the original mode of acquiring ownership which is described as increase in the Civil Code in effect. It turns out that it is not one uniform institute at all, as it might seem, because it comprises four modes of acquiring ownership identified by the Roman law theory – not only accession as the Roman law concept, but also specificatio, commixtio, confusio and acquiring fruits.

The introductory chapter focuses on the structure of the Civil Code, which is compared with its predecessors and with foreign codes. Some of them emphasize the peculiarity of acquiring fruits, while others do not even introduce the concept of increase in a broader sense. In four central chapters, norms regulating the acquisition of ownership are presented, both in Roman law and in modern civil codes in the territory of the contemporary Czech Republic. The civil code proposals from the first half of the 20th century are also considered, although they have never taken effect, they illustrate the development of legal science. The intention of the author was present legal regulations originating from the Roman law sources in detail, which have not been discussed in the Czech language so far, and to point out the similarities or differences between ancient and contemporary law. Their mutual comparison throughout the work clearly shows the unmistakable influence of Roman law as the source of inspiration for modern civil codifications. The distinction between individual institutes, systematics and some rules reflect the time-tested theses of ancient lawyers. It can be said that the reception of Roman law is not a closed historical epoch, but an ongoing process that affects lives of the present generation.

Keywords: ownership; commixtio; confusio; specificatio; fruits; civil code