

Abstract

The topic of the diploma thesis is the legal principle *superficies solo cedit* and its return into the Czech law. The main aim of this thesis was to give a comprehensive view of this issue, especially how the return of the principle has changed land law relations. The first part of the thesis describes the division of the law to private law and public law. The first part is followed by the historical excursion which describes how the principle originated and how and whether it was part of the legal order in the past. The next chapters of the thesis are the main part of the work and describe the principle in today's law. Firstly the incorporation of the principle into the Civil Code is described and then individual paragraphs governing the principle follow. The definition of the basic terms as land, construction and temporary construction which are used by Civil Code but not described in it are the topic of the next chapter. Next, a relatively extensive chapter named line constructions describes exceptions to the principle. The basic definition of exceptions can be found in the Civil Code but more detailed regulation is contained in public acts, therefore private and public law is intertwined in this area. Easements to real estate, historical development of its legislation and today's legislation in this area are described in the next chapter. The problematic parts of the legislation are described at the end of this chapter. The legislation of the infrastructure, right of superficies and land register are described in the last three shorter chapters. The right of superficies has been returned into the legislation after more than fifty years. The right of superficies naturally accompanies the legal principle *superficies solo cedit* and it is one of the legal exceptions from its application. The chapter named cadastre of real estate is the last chapter of the thesis.