

Abstrakt v anglickém jazyce

Legal and Historical Background of Shortcomings and Problems of State Property Privatization after 1989

The Doctoral Thesis provides a comprehensive analysis of the legal – historical background of the shortcomings and problems of the process of privatization of state property after 1989 in the Czechoslovak (Czech) Republic in relation to each of the fundamental privatization methods – i.e. small privatization, large privatization (incl. coupon privatization) and restitution. The Doctoral Thesis introduces the historical context of the adoption of relevant legal norms, then provides a detailed legal analysis of their shortcomings and focuses on problems induced by their application. With regards to the identified shortcomings and problems, the Doctoral Thesis analyzes the forms of their mitigation; i.e. addresses the not only the amendments of the respective privatization legal acts, but also the decisions of the general courts as well as the Constitutional court which contributed to their righteous interpretation. Despite the fact that from the time perspective, the first half of 90-s is the decisive period for the Doctoral Thesis, one can identify several overlaps until the present time given by the inconclusive character of several privatization processes. The remarkable prerogative of this Doctoral Thesis are subchapters devoted to the theme of „asset stripping“ within the context of the Czech privatization, case study focusing on the phenomenon of so called „tunnelling“, the analysis of the „pre-privatization agony“, the settlement of the church restitutions or the unsuccessful attempts of the legislator to pass the so called „restitution full-stop“. So as to frame the privatization chapters into the historical context, the Doctoral Thesis presents an introductory chapter dealing with the historical process of nationalization after 1945 and the related deformation of the institute of ownership. The subsequent core of the doctoral work comprises six chapters. The Doctoral Thesis is the very first complex analysis of privatization acts by addressing their shortcomings, which, to the extent plausible, abstracts from the economic aspects of this phenomenon. The conclusion addresses the hypotheses set out in the introduction which are being confronted with the results of the doctoral research; based on which they are either proved or disproved.

Key words:

- Ownership
- Privatization
- Restitution