

This diploma thesis deals with the principle of *superficies solo cedit*, whose roots go back to Roman law. The principle, which can be translated as “the surface gives way to the ground”, expresses the rule according to which the land includes everything that arises on it, whether in a natural or artificial way. In the history of the Czech lands, the principle was applied under the General Civil Code from 1811 until the adoption of the Civil Code of 1950. On the contrary, this Code applied the opposite principle and thus introduced separate ownership of land and buildings. The principle returned to our legal system with the adoption of Act No. 89/2012 Coll., The Civil Code. The aim of this thesis is to present the principle in a historical context, to give an explanation of its current form and to specify the problems that arose with the adoption of the principle of *superficies*.

The diploma thesis is divided into four main chapters. The introductory part deals with the historical development of the principle. First, it provides an interpretation of Roman law, in which some important sources of Roman law are discussed. Within the interpretation of the legal history of the Czech lands, attention is focused mainly on the General Civil Code of 1811, which was the first to introduce the application of the principle into the legal system of the Czech lands. For a deeper understanding of the development of the principle of *superficies*, the related provisions on rights *in rem* are also discussed. The Civil Code of 1950 deviated from the principle in question, which abandoned it mainly due to social and political changes. The Civil Code of 1964 continued this development until a change was brought about by the codification of the Civil Code through Act No. 89/2012 Coll. The next part of the diploma thesis focuses on the interpretation of the main concepts – for example, the concept of immovable things, parts and accessories of things and the concept of structure. Attention is focused mainly on the problems of interpretation of some legal concepts and on gaps in the legal regulation and their completion by court case-law, which is widely mentioned and discussed in the text. Exceptions to the principle of *superficies* are also discussed in detail, represented by, for example, movable structures, utility networks, temporary structures or the right of superficies.

The following part of the diploma thesis is focused on the effects of the principle of *superficies* on public law, especially on the records in the Land Registry. This part of the thesis deals with the effect of the change on the activities of the Land Registry offices, the entries in the Land Registry record and on how the change was reflected in the content of the title deed. The final part of the text compares the Czech and the Austrian legislation.