

Abstract

The aim of this thesis is to summarize and analyze the concept of matrimonial property law with an emphasis on the consequences and possible measures if the marriage is reversed or terminated by divorce. In addition to the introduction of this institute in the Czech legislation, this work also deals with the legal regulation of matrimonial property law of the Federal Republic of Germany. The work is focused on the development of matrimonial property law after the private law recodification in the Czech Republic, altogether with setting the term into historical context and evaluating the influence of previous legal regulations.

The historical introduction of the Czech and German legal regulations is followed by a chapter devoted to the issue of formation and termination of property relations between spouses in both countries. As divorce is the most common way of termination of marriage and property relations in both countries, special attention is paid to the consequences that spouses may be affected by, as well as to the options that can be chosen in the event of marriage and property relationships being lost during the life of the spouses. As a result, one of the chapters also lists property regimes that exist in addition to the statutory regime, thereby, in the Czech Republic a contractual regime and a regime established by a court's decision, and in Germany the *Gütertrennung* and the *Gütergemeinschaft*.

Furthermore, the thesis is focused on the arrangement of property relations between spouses in the legal regime. In the Czech Republic, there is the community property of spouses and in Germany there is the *Zugewinnngemeinschaft*. When analyzing these terms, we should not forget the ways of acquiring property within the property of spouses, including a detailed analysis of what constitutes the community property according to Czech law, and what objects and values constitute the so-called initial (*Anfangsvermögen*) and final (*Endvermögen*) property of spouses according to German law. In relation with the Czech regulation of community property, one section of the thesis is also devoted to the adjustment of the cooperative share in the housing cooperative and the legal regulation of liabilities. The legal regulation of the liabilities of spouses is also analyzed within the perspective of German law.

One chapter briefly mentions the rules of property relations between spouses in both countries. This legal adjustment is then followed by an analysis of the

settlement of community property of spouses or compensation (Ausgleichsforderung). Even though a solution through an agreement is the priority in family relationships, the right of settlement is very often exercised in court, and therefore the latter solution is mentioned in the thesis, as well. The thesis also makes an analysis of the issue of execution or enforcement of a ruling with regard to the settlement of community property of spouses or compensation (Ausgleichsforderung).