

Mgr. Hana Pultznerová: “Restitution titles according to the Act on Property Settlement with Churches and Religious Societies”

Abstract

I chose “Restitution titles according to the Act on Property Settlement with Churches and Religious Societies” as a theme of my thesis. The first part of the thesis contains a historical excursion, which describes the origin of historical property of churches and the process of settlement of church restitutions in the Czech Republic. Well-deserved space is devoted to the case law of the Constitutional Court, which has played an irreplaceable role in the process of church restitution.

Another introductory topic is a description of an Act No. 428/2012 Coll., on property settlement with churches and religious societies. The law is not a pure restitution regulation, because in addition to the restitution of property to church legal entities, it also grants financial settlement, which leads to the complete separation of church and state. I deal with the basic principles of the law, the method of restitution and further financial settlement with church entities. We will find out who is the person obliged to transfer the original property of the churches and who is entitled to ask the transfer of the property. I also deal with the process of transfer agricultural and non-agricultural real estate and use of legal remedies by which ecclesiastical entities can defend themselves against the steps of the state and its bodies.

The central topic of the thesis is restitution titles according to the Act on Property Settlement. Most of the space is devoted to the property wrongs committed based on the Act on the Revision of the First Land Reform and the Act on the New Land Reform, which cover most of the transferred property. I deal with ways how the laws were applied to church entities. Answers to questions concerning, for example, the moment of the transfer of state ownership of confiscated property and the risk of breaking the February 1948 border, are provided as well.

Next chapters are devoted to the confiscation of property according to other nationalization and expropriation regulations. Another topic is dedicated to restitution titles associated with the concept of distress. Similarly to other restitution laws, the Property Settlement Act also contains the restitution title of taking over a property without a legal reason or a procedure violating human rights and freedoms or violating the principles of a democratic state which is governed by the rule of law.

There is also a chapter devoted to the relations between restitution titles. Finally, I provide information about the processing status of calls of entitled persons and interesting cases concerning on property settlement, which have recently been decided by higher courts.