

Consequences of defects in legal acts with a focus on invalidity and non-existence

Abstract

The thesis deals with the issue of the consequences of defects in legal acts. The objective of the thesis is the analysis of defects in legal acts and consequences which are related to the defects in question. The central topic of the thesis is research on institutes of the invalidity and the non-existence of legal acts. The thesis focuses on the assessment of interrelationships and differences between the individual consequences of defective legal acts. The thesis is systematically divided into eight chapters. The first chapter presents the legal acts using analysis of their essentials and basic terms. The second chapter deals with the interpretation of legal acts. Special attention is paid to the rule of interpretation which does not found the invalidity of legal acts before the interpretation which does found the invalidity. The third chapter contains characteristics of invalidity of legal acts. The essential part of the thesis is the fourth and fifth chapter since it lists reasons leading to invalidity and non-existence of legal acts. The content of the sixth chapter is the definition of consequences of defective legal acts in the form of a damage claim, issue of unjust enrichment and termination of substantive effects of legal acts. The seventh chapter adjusts the possibilities of correction of defective legal acts. The institutes of conversion, convalidation and ratihibition are analyzed in detail. The eight chapter deals with the assumptions of relative ineffectiveness. Space is also given to the institute of relative ineffectiveness relation to invalidity and non-existence. The issue of the consequences of defects in legal acts is analyzed from the view of legal regulation Act No. 89/2012 Coll., The Civil Code, as amended, but significant space is also given to comparison with the previous legislation. The chosen questions of consequences of defects in legal acts are compared with German, Swiss, partially Austrian and Slovakian legislation. Some attention is dedicated to the unification projects of contract law Draft Common Frame of Reference, Principles of European Contract Law and UNIDROIT Principles of International Commercial Contracts. The interpretation of the issue is supported by the analysis of opinions expressed in literature and case law connected with the concept of consequences of defects in legal acts. The conclusion of the thesis summarized and evaluated partial results to which the individual chapters led.