

The concept of a building in the roman law

Abstract

This diploma paper deals with a definition of a building concept in the roman law. Thanks to many possibilities of its appellation, the attention is paid to the designation used by the sources at first. Its definition according to the legal characteristic of things follows. Concerning the building description as a composed thing, the perception of the part in general is also taken in focus, because of the specific understanding kept by the roman law, particularly in relation with things sometimes called as pertinencies. However, the application of the general standard used by romans as the definition of the part (*perpetuus usus*) to the building brings some difficulties. Firstly, the building was specially defined in a context of some special norms. *Tignum iunctum* is the most important example, but a prohibitive regulation of demolitions or destructions, including particularly the *senatusconsultum Aviola et Pansa*, was significant too. Secondly, the development of the understanding what does it involve took a part, as the things used for the water supply illustrate. Then the paper focuses on the negative delimitation of the building by the categories of things, such as *instrumentum*, *ornamentum* or *suppellectiles* and *ruta et caesa*. Last part of the paper deals with the principle *superficies solo cedit* which defined the position of the building in the roman law as a part of a land only and focuses on the development and some issues brought by the application.

Key words:

roman law, building, part of things