

## **ABSTRACT**

### **Dissertation thesis – Law of Lien**

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Law of Lien is basic form of security interest which importance is proved by long term tradition. During time the Law of Lien was modified which reflected economic development which result to the current modern state. Even if legal regulations of Lien are different with respect to the concrete developmentu in each state, its basic principles, functions and its meritum are same for the centuries.

Importance of the Law of Lien as security interest is emphasized namely by high level of security which is given to the Lien Creditor. Because of this reason is Lien one form the most used legal security interests in worldwide respect.

The Objective of Thesis is to summarize the very wide and complicated regulation of Lien and suggest de lege ferenda new regulation which makes the institutes more clear and increase the security of the Creditor. The theme of thesis is very wide. In respect to volume of relevant institutes is conception of the thesis as complex view on Lien as the security instrument.

The Thesis shall explain with principles of Lien and raise the problematic topic. In several cases is regulation of Lien unclear which cause the application troubles. The thesis is pointing out such topics and suggests possible solution, which is in accordance with Law and also would be friendly for users.

The Thesis is divided into four basic parts. First part is focused on brief overview into Security interests.

The second key part is focused directly on Lien. Issues of Lien are divided into several chapters because of easy orientation.

As it is similar to the all areas of law it is appropriate to start the explanation regarding each legal institute by historical overview, which allows understanding of its modification overtime. Lien is not exemption. Even in far history was frequently used which origin leads to ancient Rome.

With respect to the fact that new codification of the private was admitted (Act No. 89/2102 Coll.) is necessary to take in consideration the content of this relatively controversy Code which contains significant part of new regulation as terminology, legal institutes and also understanding of Civil Law. We thus could compare legal regulation which is currently in force with law which comes into force 1.1.2014 and evaluate how the lawmakers take inspiration from past mistakes, if the real legal life was considered, if proposed regulation reflects current needs and also if another law shall be proposed. Another variant is to leave current law in force and eventually modified it.

The Third chapter is dedicated to foreign regulation of Lien which could be also inspiration to the Czech legal system. In relation to our legal system, as system which of continental law, is useful to get inspiration from similar law orders. Useful could be German regulation or developed regulation of Slovak Republic Lien Law. Regarding institutes shall be considered also Anglo-Saxon legal culture, e.g. Floating charge.

The Fourth chapter form the end of the thesis and is related valid legal regulation of Lien in the Czech Republic with respect to proposed changes and to judicature, which is important and valid source of explanation.

The final part of thesis makes evaluation of regulation valid to a day when the work was executed, evaluation of regulation in New Civil Code and suggestion de lege ferenda.