

Easements

Abstract

The aim of this thesis is to provide readers with a comprehensive view of the legal institution of easements. Thus, easements are analysed not only in the context of the existing legal regulation, but also in the context of their historical development. The aim of this thesis is also to analyse the points of contention in the existing legal framework. To this end, the readers of this thesis are offered relevant expert opinions on the controversial issue. These opinions are supplemented, where appropriate, by the opinion of the author of this thesis, who also gives his view on the issue. Relevant case-law is continuously offered in the thesis to supplement the analysis of the individual sub-aspects.

The thesis is divided into three chapters. The first chapter is devoted to the definition of the legal institution of easements, with which the thesis further deals.

The second chapter of the thesis is devoted to the historical development of easements. Attention is paid in particular to Roman law, which is the ideological basis of servitudes. This chapter also examines the regulation of easements in the General Civil Code of 1811, which was the first comprehensive regulation of easements in the Czech territory, and the Civil Codes of 1950 and 1964.

The third chapter concerns the current legal regulation of easements and forms the focus of this thesis. In the introduction, the reader is introduced to the systematics of rights in rem in the current legislation. He is also introduced to the current concept of easements, its types and the subjects of easements. At the same time, the easement is defined as the subject of the easement. Special attention is paid to the so-called owner's easement. The defined content and scope of easements is followed by an important thematic triad: acquisition of easements, legal relations under easements and termination of easements. This is complemented by the legal protection of easements. Attention is also paid to certain land and personal easements offered by the legislator under the current legislation.

Key words

easements, rights in rem, civil law