

Internationalization tendencies in obligation law with a focus on contract law

Abstract

This thesis deals with the harmonisation and unification of the law of obligations, mainly contract law at international, European as well as at national level. Emphasis is placed on the historical context, the current regulation at all three levels and the identification of individual problems.

The first part of this thesis is devoted to a general introduction of the topic. It is divided into four parts, first explaining the concept of internationalisation in general and then introducing the different kinds. The first chapter introduces the concept of private international law, including European private international law. The second chapter is devoted to legal unification and harmonization at the international level. The third chapter deals with the Europeanization of the law of obligations, and the fourth and final chapter outlines the issue of comparative jurisprudence.

The second part is devoted to the need and feasibility of legal unification, again both at the international and European levels. This part discusses the various individual problems, such as the ways of implementation, and the problems posed by efforts to harmonise legal systems and unify the regulation of contract law. The individual problems are looked at not only from a legal perspective but also from other relevant perspectives. Additionally, apart from only identifying the problems, possible solutions are outlined as well.

The third part deals in detail with the various international contract law instruments. The instruments analysed here include the Vienna Convention (CISG), the UNIDROIT Principles and the Principles of European Contract Law. The aim of this section is to describe how these different instruments work and how they relate to each other.

The last part is devoted to a comparison of the Czech Civil Code and its contractual regulations with the Swiss and Chinese ones. The purpose of this comparison is mainly to identify the specifics of these regulations and possible problems to which the respective legislator should respond.

Key words: Europeanisation, harmonisation, contract law

