

Abstract

Interest in Real Estate

The aim of this thesis is to provide a thorough analysis of key aspects of the institute of *Security Interest in Real Estate*, as well as current legislation of this issue. Thanks to the focus on a specific subject of the pledge, i.e. the real estate, given its relatively more permanent nature compared to most other things, as well as the generally longer duration of legal relationships arising from legal proceedings in the application of the institute of *Security Interest in Real Estate*, the topic which cannot be overlooked consist of intertemporal norms governing the relationship of the effective legal regulation by the current Civil Code and legal regulation contained in the derogated Act No. 40/1964 Coll. of the Civil Code as amended until 31 December 2013. The perspective of the elaboration of the mentioned topic in the level of *de lege lata*, thus defined, is supplemented by the text of the thesis with some ongoing considerations *de lege ferenda* within the conclusions resulting from the analysis.

Although the essence of general topic of this thesis is a theoretical dissertation, the intention of the text does not resign to possible practical benefits, while the author consistently pays attention to argumentation and verification of key hypotheses, as well as ongoing verification of work theses, which in some cases are thematically established according to specific chapters of the text. In connection with the high degree of socio-economic importance of the institute of the institute of *Security Interest in Real Estate*, in some parts of this thesis are incorporated partial knowledge of economic theory, as a scientific field with legal science and practical use of its knowledge in social interactions, in some respects relatively closely related. The structure of the work and the division of individual chapters are designed so that in the final unit it is possible to verify the following key hypotheses:

1. A *Mortgage* is a powerful tool for protecting the rights of the creditor in the legal context of mortgage agreements, when the current legislation meets the needs of the constantly growing importance of modern credit financing and its securing in economic practice;
2. The current legal regulation of the *Mortgage* simultaneously provides protection for the legitimate interests of the loan debtor and the mortgage debtor and thus guarantees real equality of the parties in the emerging legal relations;

3. Intertemporal norms contained in the current legal regulation *Security Interest in Real Estate* do not have a negative effect on *Mortgage commitments* created before the entry into force of Act No. 89/2012 Coll. the Civil Code;
4. Significant legislative changes introduced by the recodification of domestic civil law into the issue of pledge-legal conditions were at the same time, to a sufficient extent also conceptual unity and the necessary context, also reflected in the related legal regulations of other laws.

Key words: Security interest of real estate

Mortgage

Pledge

Civil code

Contract