

Legal regulation of an animal in the Civil Code

Abstract

The content of the thesis consists in the legal regulation of the animal in the Civil Code. The aim of the thesis is to provide a comprehensive overview and analysis of all provisions in which the animal is explicitly designated by law as an element of legal relationship, and assess whether and to what extent the legislator respects the special nature of the animal and the principle of dereification, to which the Civil Code has subscribed. The private law regulation is also to a limited extent placed in opposition to the public law, which is often used to demonstrate the imperfection of the regulation in the Civil Code.

The thesis is divided into an introduction, four chapters and a conclusion. The first chapter deals with the concept of an animal, especially in the context of the aforementioned dereification. In addition, the possibilities of applying the provisions on things to living animals are addressed here as well.

The second chapter covers the animal in the context of property rights. It focuses mainly on specific ways of acquiring ownership of the animal and their mutual internal contradictions. Furthermore, it embraces the influence of the animal on legal relations between neighbours, where it highlights beekeeping law, which is often resolved even during litigation. The last part of the second chapter focuses on the servitudes of the drover's road and grazing, i.e. the cases where the animal is the direct reason for establishment of the servitude. Here again, it does not fail to point out the repeated conflict between private law and public law.

The third and fourth chapters provide an excursion into those binding legal relations, the regulations of which concerns animals. The third chapter deals with obligations arising from legal negotiations, more specifically lease, concentrating on the tenant's right to keep animals, and leasehold, provided the inventory is not made up only of inanimate objects. The fourth chapter consists of the issue of tortious obligations, which is internally divided into the analysis of the regulation of the obligation to compensate for damage caused by an animal and compensation for damage caused to an animal. However, provisions that overlap in content with these are also mentioned.

Key words: animal in the Civil Code – property rights to an animal – damage caused by the animal or on the animal