

## **Abstract**

### **Comparison of Czech and Slovak regulation of legal consequences of the dissolution of marriage**

The topic of the diploma thesis is the legal consequences of the dissolution of marriage. The consequences of the dissolution of marriage are examined in two legal regulations, Czech and Slovak, and at the same time compared. The individual ways of marriage dissolution are discussed on an ongoing basis. The work consists of an introduction, five chapters, which are further divided into subchapters, and a conclusion.

The first chapter deals with the concept of marriage, its purpose, functions and obligations, and the rights arising from it.

The second chapter deals with the historical development of the legal regulation of the dissolution of marriage. Both in the territory of today's Czech Republic and the territory of today's Slovak Republic, from the 18<sup>th</sup> century to the current legal status. It is not without interest that while for a long time the two legal regulations were separated from each other, ie they were completely different, a relatively long period of joint legal development followed, so that after the division of the Czechoslovakia the two legal regulations diverged again.

Every dissolution of marriage necessarily has certain legal consequences, which differ to some extent precisely according to the reason for the dissolution of the marriage. In the third chapter, therefore discusses the individual legal reasons for the dissolution of a marriage, i.e. divorce, death of a husband, gender reassignment; and also address the issue of marriage annulment. The institutes of proof of death and presumption of death are explained here. Both methods of divorce are discussed in detail, as well as the modification of the so-called anti-hardness clauses.

The fourth chapter presents the legal consequences of the dissolution of a marriage caused by the death of one of the spouses. The legal consequences are divided into personal and status and property consequences, which include rights and obligations related to housing and the right to the basic equipment of the surviving spouse's family household, inheritance law, property settlement, and possibly the right to decent food and necessary care. These legal consequences are also discussed and compared in both relevant legal regulations.

The fifth chapter analyzes the legal consequences of the dissolution of a marriage by divorce. In addition to personal and status consequences, the consequences of a property nature

are also discussed here, which, however, by their nature include other partial consequences than in the case of the dissolution of a marriage by the death of one of the spouses. This includes housing regulation and the right to the basic equipment of the divorced spouses' family household, as well as alimony between the divorced spouses and their property settlement. A large part of this chapter also deals with the regulation of the exercise of parental responsibility for the period after divorce. Thus, the criteria that need to be taken into account when determining the specific forms of care for a minor not fully independent child. Individual forms of personal care for a minor child, which include entrusting the child to the exclusive care of one of the parents, joint care, shared care and care of person other than the parent, are carefully examined. The maintenance obligation of parents towards their children is also discussed in this chapter.

In the conclusion of the diploma thesis, the most important common aspects and differences in the legal regulations of the consequences of the dissolution of marriage of both countries are clearly summarized. The thesis concludes with the statement that the adoption of Act No. 89/2012 Coll., The Civil Code resulted in a comprehensive regulation of family law in a single code, which contributed to the clarity and concretization of the legislation.