

Divorce in Czech and French legislation

Abstract

This diploma thesis deals with explanation and comparison of legislation of divorce in the Czech Republic and the French Republic. The main aim of this thesis is to give reader the sense of a system of legal instruments concerning the divorce, which are used on the one hand in the Czech Civil Code (“*Občanský zákoník*”) and on the other hand in the French Civil Code (“*Code civil*”). The explanation is ended by speculating, which French legal instrument could be potentially introduced and applied in the Czech regulatory environment.

The thesis is based on Czech and French specialised literature and legislation. Main legal acts, which were used, are Czech (“*Občanský zákoník*”) and French (“*Code civil*”) Civil Codes. Procedural acts were also used, namely Czech ZŘS, OSŘ and French Code de procédure civile.

The thesis is divided into four chapters. First chapter is devoted to brief overview of the historical evolution of the legislation of divorce on the current territory of the Czech Republic and the French Republic. The most important legal acts and events, which has affected the evolution of the legislation, are mentioned. Current legislation of the divorce in the Czech Republic is analysed in the second chapter. Substantive, but also procedural aspects of divorce are examined. One part of this chapter is dedicated to consequences of the divorce both personal and property. Institutes, which are used as the protection of minor children during the divorce of their parents are also presented in this chapter. Subsequently the second chapter outlines the institute of the registered partnership, as well as the legislation of its dissolution. The third chapter is focused on the current legislation in the French Republic, the chapter copies the layout of the second chapter. This method is necessary for the subsequent comparison of both legislations. The third chapter contains analysis of the separation of the marriage, particular types of divorce. Excursus is devoted to the institute of PACS and its particularities. The most interesting institutes are compared in the fourth chapter, for example the possibility of the divorce before the notary without the involvement of the court, the legislation of the use of the married name after the divorce or the difference between the registered partnership and the PACS. Consideration “*de lege ferenda*” in the Czech Republic with the application of the knowledge of the French legislation are presented in conclusion.

Key words: Divorce, comparison, Czech and French legislation