

Liability of minors for debts – comparison with FRG

Abstract:

The diploma thesis is devoted to the topic of liability of minors for debts in the Czech Republic and in the Federal Republic of Germany. The thesis focuses on debts arising from legal acts of minors and on the legal institution of limitation of the liability of minors. This institution was adopted into the Czech legislation last year and its inspiration comes from the German legislation. The thesis is divided into three parts. Each part is further divided into chapters and sections. Each part of the thesis, with the exception of the first part, uses both analytical and comparative method. The first part of the thesis summarises, in relation to the both the German and Czech legal regulation, the main reasons for the adoption of the institution of limitation of the liability of minors and the prevailing opinions in the expert discussion leading to its adoption. The first chapter of the second and third parts is devoted to an analysis of the applicable legal regulation in the Federal Republic of Germany, the second chapter of the said parts contains an analysis of the legal regulation in the Czech Republic. The third chapter of the second and third parts of the thesis deals with a comparison of the German and Czech legal regulation. The aim of this thesis is to compare both legal regulations and to point out their essential common and different features.

The first part is devoted to the social and political context of the issue of debts of minors in the Federal Republic of Germany and the Czech Republic. This context was different in both countries, however it led to the adoption of the legal institution of limitation of the liability of minor by both the German and Czech legislators. The second part deals with the legal capacity of minors. This legal regulation represents the legal protection of minors against debts arising from legal acts, which is applied *ex ante*. The way in which the legal capacity of minors is regulated in both legislations is also reflected in the substantive scope of the legal regulation of the limitation of the liability of minors. The third (i. e. last part) of this thesis is devoted to more detailed analysis of the institution of the limitation of liability of minors which represents the legal protection of minors against debts arising from legal act which is based on the *ex post* approach. The first and the second chapters of the third part of the thesis describe the substantive scope of the institution of limitation of the liability, the exceptions to the possibility of limitation of the liability, the manner of application of limitation of property liability and the legal consequences of its application in both legal regulations. The third chapter subsequently compares topics that are mentioned the in the previous sentence. Attention is also paid to the legal safeguards against abuse of limitation of the liability of minors in both legal regulations.

The thesis concludes with a summary of the most important common and different features of both legal regulations.

The thesis is based on the state of the legislation as of 7th November 2022.

Keywords: minor, legal capacity, limitation of the liability for debts.