

Contract for construction

Abstract

The topic of this thesis is the contract for construction as one of the legal instruments leading to the establishment or change of units in a condominium. The contract for construction is closely related to the concepts of units and condominium ownership, when its use in another legal framework is not possible. This thesis focuses on the legal instrument at a time of resolution of the housing crisis and therefore examines not only theoretical issues, such as the definition of forms of construction, but also practical aspects of the contract, including, for example, the appropriate application of the provisions of the Partnership. The purpose is, among other things, to provide a view on the possibilities of using the contract for construction precisely as part of the solution to the social problem.

The issues raised in this thesis are examined from the perspective of the subject matter of the contract for construction, the status of the contracting parties and the content of the contractual obligation. The critical view on the enforced combination of the current legal regulation with the historical regulation of the Appartement Ownership Act is not left aside. An essential part of the interpretation is also the extension, annex and construction alteration of the unit as the most common ways of practical application of the contract for construction. The foreign comparison is mainly directed to the francophone area. The comparison also includes a distinction from other types of contracts, such as contract for work, or other methods of constructing units and satisfying housing demand.

The conclusions stated in this thesis consider the contract for construction to be a useful legal instrument, even if it cannot be regarded as a fundamental institution. Its advantages do not prevail in practice for the recipients of legal norms. Nevertheless, the contract for construction finds substantial use in the case of extension, annex and construction alteration of units. However, its legal regulation is not sufficiently adapted to this use. One of the conclusions of this thesis contains proposals for changes in the legislation which should enable the contract for construction to be used more widely for the satisfaction of residential or non-residential needs by demand by way of extensions.

The foreign comparison brings an interesting conclusion consisting in absence of legal regulation of the contract for construction in developed foreign legal systems. However, despite this conclusion, which, combined with the low practical use of the contract,

may question the reason for its existence, the contract for construction should be evaluated in a rather positive way.

Key words: **contract for construction, condominium, unit**