

## **Separate property regime**

### **Abstract**

The submitted thesis deals with the analysis of the institution of the separate property regime. The aim of the thesis is to elucidate the origin, essence, and limits of the agreement establishing the separate property regime in the context of the legal regulation of Act No. 89/2012 Coll., the Civil Code, including mentioning the significant legal effects of this agreement in enforcement and inheritance proceedings. For a more comprehensive view of the issue, the legal effects of the agreement are also reflected by comparison with the basic effects of the statutory regime in specific life situations.

The achievement of the goal is presented in six chapters. The first chapter introduces the concept of marital community property as the starting point of the work, its origin, basic characteristics, and components, including a brief introduction to exceptions establishing a different moment of (potential) creation of the marital community property, with emphasis on the agreement on the separate property regime contract.

The second chapter presents the inclusion of the agreement on the separate property regime into the systematics of marital property law in the Civil Code within the contracted regime, alongside the statutory regime and the regime established by a court order. The theoretical classification in this chapter is a necessary part of defining the existence of the separate property regime, including providing a focus for further chapters comparing the legal effects of establishing this marital agreement in relation to the statutory regime.

The third chapter offers a basic view of the historical development of marital agreements towards the separate property regime. It follows the legal regulation of the institution in the Civil Code, primarily defining the creation of this agreement, legal form, authorized subjects to conclude the agreement, content, including the limits of spousal agreements.

The following two chapters of the thesis provide a practical reflection of the effects of the separate property regime in enforcement and inheritance proceedings. These include a focus on specific life situations of spouses and reflects the variability of the legal effects of this agreement, as well as comparing the legal effects of the statutory regime with the separate property regime.

Finally, the thesis evaluates the legal regulation and offers another perspective on this issue along with prospects for the future. It also presents possible solutions that could contribute to expanding practical awareness of the possibility of concluding marital agreements and the impacts of this decision.

**Keywords: [marital agreement, separate property regime, modification of marital community property, contracted regime]**