

# Security of a Debt in the Civil Law of the Czech Republic

## *Abstract*

The dissertation work is devoted to the study of the legal regulation of the security of a debt in the civil law of the Czech Republic. The purpose of the dissertation work is to study topical issues in the field of the security of a debt. This study was conducted primarily based on the provisions of Czech law in the field of the security of a debt. Within the framework of this study, we will focus on the issues of a debt security regulation in the framework of Book Four, Title I, Chapter 8, Division 2 of the Civil Code of the Czech Republic. Therefore, the study will focus on the security institutions such as suretyship, financial guaranty, transfer of a right as security, and agreement on deduction from wages or other income. In addition, the legislation of foreign countries in the field of security of a debt. Much attention is paid to the differences in the legal regulation of the security of a debt in countries with a continental legal system and countries with a common law system.

The history is considered in detail personal guaranty and property guaranty in Roman law, as well as in medieval law and in such a monument of medieval Czech law as *statute Iura Zupanorum (Statuta ducis Ottonis)*.

The dissertation work also considers the pan-European regulation of the individual security instruments. For example, the problems of unfair suretyship in the general European regulation are considered. The analysis of the provisions in Principles of European Law PEL in the area of Personal Security (PEL Pers. Sec.) and the Principles, Definitions, and Model Rules of European Private Law (DCFR).

In the first part of the work, general provisions characteristic of all the security institutions under study will be considered. These general provisions affect the historical development of the security institutions, and the modern concept in this area, both in the Czech Republic and in other countries. As well as the author's vision of the concept, and the functions of a debt security.

The second part of the work contains a consideration of various types of the security institutions such as suretyship, financial guaranty, transfer of a right as security, and agreement on deduction from wages or other income.

***Keywords***

security, unfair suretyship, guarantee, creditor