

Contractual matrimonial property regime and its comparison with the statutory regime

Abstract

This thesis examines the contractual matrimonial property regime and compares it with the statutory regime. The comparison of these two regimes is the main objective of the thesis.

First, the thesis explains what matrimonial property is and how its legal regulation has changed over the years. This is followed by a description of the statutory matrimonial property regime and the regime established by a court decision.

After the introductory chapters comes the core of the thesis, which is the contractual regime. First, attention is paid to the matrimonial property regime contract and the Register of Matrimonial Property Contracts, which plays an important role if the matrimonial property regime contract is to be effective against third parties. It also discusses the types of contractual regimes that can be established by a contract and the administration of a contractual regime. The relationship between the modification of the community property and possible enforcement, including the possibility of defence by the debtor's spouse, is not omitted.

The second part of the thesis compares the contractual and statutory regimes in terms of the legal regulation and the frequency of use of both regimes. It also discusses the factors that influence the current situation and the possibilities to influence the behaviour of spouses and future spouses. The thesis concludes with a look at the legal regulation of the matrimonial property regime in other European countries.

The methods I have used in this thesis are mainly literature search, comparison and analysis.

Key words

Community property, modification, matrimonial property regime agreement.