

Eviction of the Apartment in Selected European Legislation

Abstract

The topic of the qualification thesis is the institute of apartment eviction. The objective of this qualification thesis is to highlight the protracted and complicated process of apartment eviction and the disproportionate criminal repression of landlords. Another objective of the thesis is the analysis of the eviction process and possible solutions *de lege ferenda* to the outlined issues. The thesis also includes a comparison with the legislation of the Federal Republic of Germany, the Republic of Austria, the Republic of Poland, and the Slovak Republic. The qualification thesis is structured into an introduction, three main parts, and a conclusion. Methodologically, the thesis combines several research approaches, utilizing descriptive methods for a detailed description of the current state, analytical methods for assessing legislation, and comparative methods for evaluating foreign legislation.

The first part focuses on the legislation in the Czech Republic, particularly the issues of handover of the apartment to the landlord, the protection of ownership rights, the permissibility of self-help, possession claims, enforcement proceedings, and the use of notarial deeds with declaration of enforceability. This part also includes an analysis of the criminal law aspects related to unauthorized use of apartment and the criminal repression of landlords' self-help measures. The second part provides a comparative analysis of the legislation in neighboring countries, with a focus on the eviction process and the approach of foreign legislation to the protection of former tenants. The third part evaluates a newly proposed legal instrument – the eviction order. Additionally, the third part offers constructive assessments of potential legislative proposals that could contribute to more effective and equitable resolution of disputes between landlords and tenants.

This qualification thesis aims not only to diagnose the current shortcomings of the domestic legislation but also to offer constructive reflections on possible legislative changes. Thus, the thesis provides a comprehensive view of one of the most pressing challenges in the area of rental housing and contemplates potential systemic solutions to these issues.

Key words: eviction of the apartment, notarial deed with declaration of enforceability, eviction order