

# **Confiscation of Immovable Property under the Decrees of the President of the Republic**

## **Abstract**

This thesis deals with the legal regulation of the confiscation of property as it was established by the Presidential Decrees No. 12/1945 Coll. and No. 108/1945 Coll., the so-called confiscation decrees. The scope of the examined area is limited to immovable property only, so that the thesis does not lose its clarity. On the other hand, the thesis also deals with a specificity that is directly related to the confiscation of immovable property - the principle of intabulation and its relation to confiscation. The main aim of this thesis is a thorough analysis of confiscation decrees, including their relationship to other legal provisions.

This thesis is divided into seven chapters. The purpose of the first chapter is to place the confiscation decrees within both a legal and historical framework. It discusses decree-based lawmaking in general, the relationship between confiscation and the expulsion of the German population, as well as the concept of so-called settlement law. The notion of confiscation itself and its difference from other interferences with property rights are also explained. The approach and perspective of post-Velvet Revolutionary jurisprudence on confiscation is also briefly discussed. The second chapter focuses on an institution closely related to confiscation - national administration, which was a *sui generis* seizure institution closely related to confiscation. This chapter is then devoted specifically to the interrelationship of these two institutes.

The third and fourth chapters are the core of this thesis. These chapters analyse the legal regulation of confiscation in the decrees as well as the interrelationship between these decrees. These two chapters are then followed by Chapter Five, which examines the relationship of confiscation decrees to other legal regulations, i.e., nationalization decrees, retributive decrees, and restitution regulations. The theoretical part of the thesis concludes with the sixth chapter, which deals with the transfer of confiscated property to the state and the relationship between confiscation and the contemporary institution of inheritance law – *hereditas iacens*.

The final chapter is dedicated to a comprehensive case study of the confiscation of the property of the Jewish Sachs and Augstein families, through which various issues related to confiscation can be demonstrated.