

Title of the thesis: Good morals in entrepreneurial relations

Abstract

This thesis deals with the principle of good morals in entrepreneurial relations. The principle of good morals is a traditional, but constantly relevant, legal institute, which functions as the ultimate corrective to the autonomy of the will and serves to mitigate the harshness of the law and to find a fair solution.

The aim of the thesis is to contribute to a deeper understanding of the meaning and role of good morals in private law, especially in entrepreneurial relations, and thus to provide a compact view of their function and application not only in the current Czech legal system, but also in the past. This thesis provides a comprehensive insight into how good morals affect and have affected entrepreneurial relations, how they are construed in the current Czech legal system and judicial practice, and how good morals are applied in entrepreneurial relations. The thesis then uses the descriptive, analytical, critical, comparative and synthesis methods.

Good morals, a principle already known from Roman law, represent a key moral corrective in legal relations that is constantly evolving over time and place. The thesis examines how and why good morals are applied in commercial relationships, given the different perception of morality compared to non-commercial entities. This issue is illustrated by specific judicial cases where the conflict with good morals in the conduct between entrepreneurs has been subject to review by the Czech courts.

The first chapter of this thesis begins with a brief historical discussion, in which the descriptive method is applied and the development of the concept of good morals is presented, with an exclusive focus on the territory of the present-day Czech Republic. Through an analysis of the case-law primarily of the Supreme Court and the Constitutional Court, the thesis provides a comprehensive view of the role of good morals and their practical application over time.

The second chapter deals with the principles of fair business dealings as a special corrective accentuating the special character of the business environment, including an analysis of the legal regulation of the principles of fair business dealings in the Commercial Code and in the current Civil Code. Furthermore, the relationship between these principles of fair business

dealings and good morals is discussed from the perspective of both legal doctrine and application practice. Descriptive and analytical methods are used.

The third chapter of this thesis, which forms its merit, describes the individual application of good morals in entrepreneurial relations. First, the reasons for the slightly different application of good morals in business relations from the application of good morals in general legal relations are discussed, and then the thesis analyses a number of decisions of the Supreme Court and the Constitutional Court concerning the key institutes widely used in practice, namely interest on late payment and contractual penalty. The method of synthesis and analysis is applied.

The last chapter of the thesis focuses on the principle of good morals in other continental legal systems, namely the legal systems of the Federal Republic of Germany and the Republic of Austria, using primarily the comparative method.

Key words: good morals, good morals in entrepreneurial relations, principles of fair business dealings