

## **Good manners**

In my thesis I analyze questions of good manners, which are one of the basic the principles of private law and which can simultaneously constitute a significant intervention in the legal relations. The aim of this thesis is not only an attempt to summarize the issue of good manners, but also an effort to make a view of the institute of good manners. The main reason for this thesis was the fact that I met with some concern in practice about, how to apply the institute for its uncertainty, and also the lower incidence of this theme in literature.

My thesis is composed of six main chapters each of them is dealing with different aspects of good manners. The first chapter has been subdivided into three parts, in which I deal with legal regulations of good manners at first, then with a concept of good manners and at last with a relationship of good manners and morals. The second chapter is about good manners in relation to business law. This chapter consists of two parts. The first part focuses on principles of a fair trade and their relationship to good manners. In the second part I attend to an issue of applying good manners in business law. The third chapter deals with consequences of conflict with good manners, in the first part concretely with a current legislation including the description of its drawbacks, in the second part with *de lege ferenda* considerations, where I try to find a solution to drawbacks mentioned in the first part of this chapter. The fourth chapter addresses the question, whether the application of good manners is somehow limited or whether the good manners limit other principles. This chapter consists of two parts. The first part investigates a relation of good manners and a freedom of contract principle, the second part analyses a relation of good manners and a legal certainty principle. The fifth chapter is focused on defining the importance of good manners in the current law. The sixth chapter describes selected questions of possible conflicts with good manners, judicial decision on this question and in this chapter I also assess these questions. The sixth chapter is subdivided into five parts, which stepwise deal with long-term contracts, usury, usury contract and *laesio enormis*, stipulated damages, *exceptio temporis* and at last with so-called chaining of payments – all these in term of good manners.

In the scope of the matter at hand I reached several main views. At first it isn't advisable to define good manners in general, but it is advisable to explain what the conflict with good manners consists in using individual cases. Furthermore I'm of the opinion that good manners are also applicable in business relations. I also think that regarding the consequences of the conflict with good manners a prudent application of this institute in an individual case, taking the principles of freedom of contract and legal certainty, but also particular circumstances of the case into account, is necessary. I illustrate this in chapter six, where I describe the selected questions of possible conflicts with good manners including the judicial decision.