

Thesis abstract

Legal institute settlement

The purpose of this work is to describe the legal institute settlement from a general standpoint, its conception, meaning of this conception in civil law and then introduce the specific ways of settlement in detail according to Czech civil code.

The work is divided into 6 chapters.

Chapter One is introductory and defines the legal institute settlement as a one of the most significant institutes of civil law in property relations field.

Chapter Two is called Settlement of (shared) co-ownership and consists of 8 subchapters. The first part explains what co-ownership means in civil law. The second part deals with the formation and termination of co-ownership. The third part describes the ways of settlement. After the dissolution of co-ownership, settlement is necessary. It is possible by means of agreement between the co-owners who decide on how to settle their shares and properties and by means of judgement. A judge has to follow the legal order for division and can not give priority to what one party in its action suggest.

Chapter Three concerns with the settlement of community property. Upon the dissolution of marriage, the community property terminates and it needs to be settled. The particular ways of settlement are explained showing its advantages and disadvantages.

Chapter Four deals with the settlement of inheritance in inheritance procedure. After the death of an individual, the inheritance procedure has to be followed. In this procedure, the inheritance (property of testator) is settled between inheritors. The possible ways of settlement are described.

Other situations in which the property is settled were determined, but these procedures are not expressively denominated by our civil code as „settlement“. Such situations may occur for example between owner and possessor, jointly bounded and beneficiary subjects, between owner of the land and owner of the construction, etc.

In final chapter a comparison of Czech and Swiss legal regulation of community property and its settlement is made.