

Summary

The purpose of my thesis is to compare how is regulated the constitution of a marriage in Czech and Italian law.

The reason for my research is to introduce the constitution of a marriage as an important institute which constitute a family that is a very important social element of our society. For the wider perspective I have made a comparison of the Czech and Italian legal regulations to see what are the differences between the Czech liberal regulation and Italian conservative regulation. This topic seems to be very actual today because in Czech republic there are too many divorces.

The thesis is composed of eight chapters, each of them dealing with different aspects of the process and conditions of the constitution of a marriage.

Chapter One is introductory and defines the term and the purpose of a marriage in the both legal regulations. Further tries to define what is a family.

Chapter Two shortly mentions provisions of international treaties regulating the conditions of marriage constitution.

Chapter Three deals with obligations of the engaged couple before getting married. **Part One** deals with the institute of engagement and is divided in Czech and Italian part. Whilst in Czech legal regulations this institute is currently not regulated, in Italian legal regulations is paid attention to the damages and recovery of gifts in the case of the dissolution of an engagement. **Part Two** is about an obligation of the engaged couple to get know each other before getting married and to consider a future arrangement of marriage which we can find only in Czech legal regulations. **Part Three** is dedicated to the preliminary formalities which have to be fulfilled before the marriage. In the Czech republic is enough to submit required documents and declare several facts. In Italy the mandatory part of the preliminary formalities creates moreover the bans of a future marriage.

Chapter Four describes two types of marriage. A civil marriage and an ecclesiastical marriage, both divided into Czech and Italian legal regulations. **Part One** provides only basic preview into the form of Czech and Italian civil marriage whilst the deeper description is in the separate chapters further. **Part Two** reports about an ecclesiastical marriage and consists of Czech and Italian legal regulations. An Italian part is divided into two parts. The first part is dedicated to entering into an ecclesiastical marriage in front of the catholic priest and the second part is about

entering into an ecclesiastical marriage in front of the priest of the religion different from catholic. **Part Three** adverts a reciprocal relation between a civil marriage and an ecclesiastical marriage.

Chapter Five reports about the preconditions of a marriage. **Part One** describes conditions of marriage and is separated into free parts – capability and impediments of marriage, marriage in the direct peril of life and proxy marriage. **Part Two** deals with the selection of a surname. **Part Three** is dedicated to requisite of marriage declaration.

Chapter Six is a bit practical and its aim is to describe a real process of marriage between Czech and Italian citizen. This chapter is divided into four parts. **First two parts** are dedicated to the Czech international civil and procedural law and Italian international civil law which regulate the decisive law. **Parts Three and Four** deal with the real process of the marriage in Czech republic and Italian republic. Both of them are divided in dependence of citizenship and residence of engaged person.

Chapter Seven handles legal consequences of marriage defects. The chapter is divided into two parts in dependence of gravity of defects. **Part One** deals with defects which result in nullity of marriage and describes Czech and Italian legal regulation. The defects are bigamy, kinship, lack of age, mental disorder, defect of legal act, impediment of criminal offence and simulation. This part also mentions a process of the declaration of a marriage nullity and consequences of an invalid marriage. **Part Two** is only about Czech legal regulation. In this part are solved the defects which result in non-existent marriage. These defects are physical violence, lack of age, lack of compliance with the conditions sanctioned by nullity of marriage.

Chapter Eight highlights the main differences between Czech and Italian legal regulations of the constitution of marriage.

Conclusions of my research are drawn at the end of my thesis. I tried to make a general comparison of the Czech and Italian approach to the matter.