

LIEN IN THE CZECH LAW

Summary

Lien is one of the typical private rights. Lien is tenure. This means that it operates not only between the subjects of law, but against all. It is tenure to an alien property, which is reflected by the object owner restricts the right of ownership in favor of the lien creditor. The essence of the lien is to secure claims of a lien creditor. That may satisfy his claim from the proceeds of liquidation of the collateral, if not properly and timely met. As a result of its accessory nature it can never exist alone, but always only in relation to an existing claim.

The thesis describes the concept of lien and its essence. It focuses on the individual components of a lien, a secured claim, lien and legal fact that links to the emergence of a lien. It describes to what kind of claims can be secured by the lien, what the lien could represent and what manner leads to emergence of the lien.

Further more, the thesis describes the rights and obligations of a lien creditor and the debtor's pledge of a lien and the realization of a lien. It mentions the possibility of conduct of the lien and how a pledge can satisfy his claim from the proceeds of liquidation of the collateral. There is a great deal of ways to realize a lien, so this thesis tries to show the advantages and disadvantages of different ways in different situations.

The thesis describes ways of extinguishing the lien. It is guided by the controversy over each of them and learning from the consequences of various ways of extinguishing the lien. In conclusion, the lien legislation is assessed and proposed minor amendments. The thesis tries to develop the controversy over the legal unsolved (or incorrectly solved) problems occurring in connection with the lien. It notes the decision of the courts in these cases and leads polemic with the views expressed in those decisions. Argument is conducted for and against such decisions.

Lien is the institute that develops in the laws of thousands of years and brings in the practice of many difficulties. This paper aims to summarize the most important elements of the lien and cause controversy toward solving common problems.