

Summary

I have chosen the topic of my thesis “Rights and duties of the owner of agricultural land” for the following reasons. First of all I am interested in the status of the owners of agricultural land and generally in the land law. I also consider the relations concerning the agricultural land very important, because agricultural production is a needful way of food supply, hence condition sine qua non for life on Earth.

The purpose of my thesis is to analyse the status of the owners of agricultural land in terms of the land law and to examine some of their present issues.

The thesis is composed of three parts, each of them dealing with different aspects of the agricultural land ownership.

Part One is introductory, it defines basic terminology used in the thesis and describes evolution of agricultural land ownership. It is divided into three subparts. Subpart One defines the concept of ownership in Czech legal order. Subpart Two deals with land ownership and land law. It explains specialities of land and the problems related to it. Subpart Three describes evolution of agricultural land ownership on the Czech territory between years 1918 and 1989 with emphasis on the land ownership in socialistic era contiguous to evolution of law and social situation after the Velvet revolution in 1989.

Part Two focuses on restitution and privatisation of agricultural land property. It consists of three subparts, each of them dealing with particular problems of this process.

Part Three examines contemporary relevant Czech legislation containing various rights and duties applying to owners of agricultural land. It consists of seven subparts. Subpart One describes general rights of the owner of agricultural land and mentions factual problems of exercising some of these rights resulting from disposal with land in the socialistic state and the following restitution. Subpart Two deals with limitations on the agricultural land ownership immanent to proprietary rights. Subpart Three addresses the issue of easements, subpart Four investigates the institute of expropriation and forced constraints of proprietary rights. Subpart Five focuses on rights and duties of the owner of agricultural land resulting from legislation governing the protection of agricultural land resources. Subpart Six concentrates on rights and duties of the owner of agricultural land resulting from special

regime of lands bound to waters. Subpart Seven provides an outline of another relevant legislation containing rights and duties of the owner of agricultural land, concretely the legislation governing ecological agriculture and protection of nature and the landscape.

Outcomes of my thesis are drawn in the Conclusion. In respect to the rights of landowners it is not sufficient to establish them in legal order. It is also necessary to guarantee the real possibility of exercise of these rights. Otherwise so established rights would be nothing more than bare declarations. This relates mostly to the problem of accessibility of agricultural lands for their owners, who regained these lands in restitutions after year 1989.

One of the main characteristics of agricultural land ownership is the fact, that the rights implicit in land ownership are limited much more frequently than rights related to other objects of ownership. It results from the specialities of land.

Every constraint of proprietary rights must be reasoned by public interest and there are also other conditions set for such a step. In democratic state respecting the rule of law it is not possible for the state to interfere in the rights of persons wilfully and in cases not regulated in the form of a law as it happened before year 1989.

On the other hand it is necessary to realize that the accentuation of interest of a society as a whole contrary to individual interest is not only the domain of the communist doctrine. It has always been an indispensable prerequisite of survival of people on Earth. This is important to keep in view specially in the matter of agricultural land question. The agricultural land is necessary for the life of all people, because it presents the essential nourishment source.

The ownership is a sovereign power over the property, but it cannot be absolute. The important public interests have to come before the individual interests, and that, I think, is commonly accepted.