

Summary

This diploma thesis covers the aspects closely related to the settlement of joint marriage property. In first part – general characteristics is deployed with emphasis of joint marriage property institute. Also its statutory scope combined with definition of severalty of spouses is described. I could hardly avoid contractual modification which exist aside from joint marriage property. First part is concluded by the discourse of division of property between spouses after the marriage had been divorced.

Second part of my thesis is fully devoted to the situations which result in the settlement of joint property marriage. First chapter of this section is composed of joint property marriage settlement caused by the divorce. You can find there every possible option of property division – which may be done by agreement, through a property settlement, or by judicial resolution. Single attention is subsequently focused on particular problems which are bounded with the civil law application. Essential judicial decisions are cited altogether with implications to the current legal status. This chapter is literally center point of my thesis.

Second chapter presents joint property marriage settlement when one of the spouses die or is presumed dead. Third chapter shows the implications of forfeiture of property linked to property settlement. Fourth chapter describes the situation when one of the spouses become bankrupt and the fifth chapter contains some information about property settlement when joint property had been contractually narrowed.

Last part of my diploma thesis is focused in on-coming civil law codex. Main principles as well as its corner-stones are presented.

Obviously the codex contains the section related to family and family law which newly deals with all aspects of property division and property settlement mentioned before. As a result I tried to make the comparison of old and on-coming civil codex with emphasis on the main differences..