

Abstract

The topic of this thesis is „Property consequences of the divorce of marriage“. I have chosen this topic because of the high number of divorces that are filed for.

This thesis characterises the two main property consequences of divorce, the settlement of community property of spouses and the settlement of common household of spouses. The purpose of the thesis is to compare the current legislation, contained in the Civil code from 1964 with the proposal of the new Civil code, analyse the advantages and disadvantages of both acts and express my opinion on it.

The thesis is composed of eight chapters.

Chapter One is introductory and defines the purpose of this thesis. Chapter Two defines the term „divorce“, its three types and consequences of divorce. Chapter Three illustrates the conception of property relationships between spouses in the past. Chapter Four defines the term „community property of spouses“, its consent, extent and modification.

The most important and key chapters are Chapter Five and Chapter Six. Chapter Five is subdivided into seven parts and it deals with the settlement of the community property of spouses. It introduces various solutions how the community property can be divided between spouses after their divorce.

Chapter Six focuses on the settlement of common household of spouses after their divorce. It consists of five subchapters and each of them describe the different type of the common household of spouses and its settlement after the divorce.

Chapter Seven deals with the proposal of the new Civil code. It illustrates the part devoted to family law in the future codex and compare it with the current legislation.

Conclusions are drawn in Chapter Eight. I must agree with opinions that the current legislation needs to be changed. The new Civil code will be more systematic and coherent than the current code.

Název práce v anglickém jazyce: Property consequences of the divorce of marriage

Klíčová slova – Key-words

rozvod manželství – the divorce of marriage

společné jmění manželů – the community property of spouses

společné bydlení manželů – the common household of spouses

vypořádání - settlement