

ABSTRACT

In some point of human development natural persons were just not enough. That is why artificial persons were incorporated into legal system of modern countries. They were given rights and duties almost identical to natural persons. One of those was society.

Society is a person with open membership. Its purpose is to aid and encourage members in their business, economical, social and other needs. The thought of creating such an artificial person originated in the first half of the 19th century. The first real society was created on the 24th October 1844 in Rochdale in England. In our territory first society was created soon after that in 1846.

I chose this topic as my thesis because I believe that societies are important part of our legal system and also life of many people though they are sometimes overlooked. For example I live in a flat that is part of a big society in our town. The purpose of my thesis is firstly to identify problems, gaps and disputative questions in the legal regulations. Then I try to present opinions and answers given by our jurisprudence and judicature. I also try to give my perspective and opinions on the matter.

The bodies of society in our country are members' meeting, cooperative board and controlling commission. This structure of bodies can be simplified when there is a „small society.” The matter is further complicated by incorporation of a society created within the European Union. It is called Societas Cooperativa Europaea (SCE). Legal regulation is not always clear, without gaps, and controversial questions. Therefore jurisprudence and mainly judicature play an important role in the life of societies. Most problems seem to be with the regulation of members' meeting and cooperative board.

Lately a proposition of new legal regulation has been created. It is a major proposition that contains regulation of a big part of civil law. And societies are part of it. The individual bodies are the same, but there are some changes. Not big ones but important nevertheless. From my point of view a positive aspect is the new regulation regarding convening of members' society especially in the number of members that are required to convene it. Positive aspect is also the unification of bodies of the small society. I think that current differentiation is unnecessary and maybe a bit contra productive. It is a question if it will be enacted. And if it will be enacted whether there will be changes or not. Only time will show.