

11 Abstract

Inception and extinction of land property right

This thesis on the theme of inception and extinction of land property right deals with a specific branch of law called the land property.

The right to own property is one of the essential human rights and, at the same time, the most substantial right in rem; it is protected by a number of general legal regulations.

At the same time, the land right property legally demonstrates a number of specific features in comparison to the property right related to other things, especially due to the fact that land has such characteristics which distinguish it from other objects of property relations. Thanks to its "features", the land considerably influences social and legal relations.

For example, the land is distinguished by its indestructibility, limitlessness and multi-functionality. This results in certain specific features of both content and form of the inception of land property right.

As for the content of the property right, we do not include, for example, the right to destroy the property into the land property right – as land as such is indestructible.

This is also connected to the fact that absolute extinction of property right is not possible; the theory always relates the extinction of the matter which is the object of property. Thus, the extinction of the property right is only possible in relative terms, as it is always connected with the inception of the property right with another entity.

The property right can be acquired through an agreement, inheritance, prescription, based on a ruling (of a court or administrative body) or directly by law (*ex lege*).

For each form of conception of land property, the moment of acquisition of the property right is judged differently. For the contractual transfer of right, this moment is the moment of inserting the property right into the Land Registry (and effective as of the day of application for insertion); for inheritance, this moment is the death of deceased; for prescription, it is through an expiry of a ten-year term. In the case of the property right being acquired through a ruling, the moment of property right inception is the entry into force of this ruling or a date shown therein. In the case of the acquisition by law, the property right is conceived as of the date of the law force, unless stated otherwise (different date of property right inception) in the actual law.

Land property right is subject to registration in the Land Registry.

The Land Registry is, thus, an assemblage of data on real estate; filing of property rights and other rights in rem is also a part thereof.

Entries of land into the Land Registry are conveyed in various ways with different legal treatment. The term "entry" as used herein means the insertion of the land, the record, endorsement as well as erasure of the record.

Klíčová slova/ Keywords

Vlastnické právo/ Ownership

Pozemkové vlastnictví/ Land ownership

Pozemek/ Land