

THE FORM OF ENTERING INTO MARRIAGE ACCORDING TO THE CODE OF CANON LAW

Summary

I consider family as one of the most important pillars and foundations of society. A healthy society should be based on family and marriage which is a unique bond between a man and a woman. One way of achieving and enhancing the status of marriage and family in the society is a deeper study of provisions governing marriage. Therefore I take this opportunity to address the institute of marriage viewed upon in terms of Canon law.

Canon law could be considered as a part of the European legal culture. Its knowledge is therefore certainly important not only for theologians, but also for lawyers. The conclusion of a marriage in front of the church is also deemed valid and is fully recognized by laws of the Czech Republic.

The canonical form is one of the requirements affecting the validity of marriage. Therefore, I find it necessary to give it enough attention.

My thesis is divided into four chapters.

In the first chapter, I tried to provide the readers with a simple definition of the canonical form of marriage, its historical evolution, and some differences considering the Eastern churches. An enclosed section deals with the current legislation, namely treatment of the issue of canonical form by the Code of Canon Law 1983 and the definition of persons who are bound by the canonical form.

The topic of the second chapter is the ordinary canonical form. The issue of the faculty to assist in concluding a marriage is considered. Furthermore one section explains the concept of delegation and conditions for granting subdelegation. Another section analyses the status of witnesses, their role in forming of a marriage and requirements on them. Other sub-sections are describing the process of registering a marriage at the registry office and discussing the „clandestine“ form of entering into marriage. The second chapter ends with this subject.

The third chapter of my thesis is devoted to the extraordinary canonical form included in can. 1112 and in can. 1116, even though I have considered its inclusion

within the chapter number four. In this chapter I analyse conditions that Canon law allows for extraordinary canonical form.

The fourth chapter contains exceptions to the canonical form. It discusses two types of dispense, as well as inadequacies of the canonical form from the point of view of fiancées, witnesses and the assistant to marriage. One sub-chapter refers to the principle of „supplet Ecclesia“ and its use is here explained. In conclusion, the chapter discusses the canonical form in the case of a mixed marriage.

The aim of my work is to understand better, enhance and research issues concerning the conclusion of a marriage and perform a rather detailed analysis of one of the essential requirements that affect the validity of the marriage - canonical form of entering into a marriage under the Code of Canon Law.

In my thesis I have used literature written by the most significant Czech, Slovak and foreign authors and I have often worked with the Code of Canon Law 1983.

Klíčové slová (Keywords)

Manželstvo; Kánonická forma; CIC 1983;

Marriage; Canonical form; CIC 1983;