

# Abstract

## Common property of spouses

The topic of my thesis is common property of spouses. It is an institute of civil law governed by the provisions of Civil Code.

I have chosen this particular topic because I am interested in it and in civil law in general and I find it very important. Future spouses should be aware of the legislation that regulates the property rights and duties between them. Arranging the property relations before the marriage can prevent future conflicts.

The work deals with the current legislation governing the institute of common property of spouses in relation with the judicial decisions. The goal of my thesis was to explore the current legislation, to point out some of the disputable questions and to seek to define several legal terms that are not clear at the first sight. The work also briefly deals with the project of the new Civil Code.

The thesis is composed of seven chapters. Chapter one is introductory. It defines the term of common property of spouses and briefly deals with the former institute of equal ownership of spouses.

Chapter two is divided into two subchapters. The first one describes the establishment of the common property of spouses. The other deals with its object and contains three parts. Part one describes assets, part two looks at debts and part three focuses on the values that are not the object of the common property of spouses.

Chapter three characterises the modification of the common property of spouses and is composed of two subchapters. The first subchapter deals with the enlargement of the scope of the common property of spouses, the other one is concerned with its restriction. Part one of the second subchapter describes the restriction of the common property of spouses by an agreement, part two is about postponing the establishment of the common property to the termination of the marriage, part three deals with the restriction of the common property by a court decision and part four looks at the pre-marital agreement.

Chapter four is devoted to the management of the common property of spouses.

Chapter five consists of two subchapters. The first one deals with the termination of the common property of spouses during the marriage, while the other describes the termination of the common property by the termination of marriage.

Chapter six analyzes the dissolution of the common property of spouses. This chapter is composed of four subchapters. The first one describes the dissolution by an agreement, the second subchapter deals with the dissolution achieved by a court decision and contains three parts that bring more details on the topic of this subchapter. Subchapter three is devoted to the dissolution by legal presumption and subchapter four deals with the dissolution according to the Insolvency Act..

The last chapter looks at the regulation of the common property of spouses in the project of the new Civil Code.

There are a lot of unsolved issues concerning the institute of common property of spouses. The reason lies in the fact that the Civil Code contains just a few provisions that regulate the institute, on the other hand law can not predict every situation that life brings. Therefore courts and their decisions are very important, because they are able to solve many unclear issues. However, even in the practise of courts contradictory decisions can be found. In my opinion, the new Civil Code is able to clarify some of the issues but judicial decisions will still have significant importace.