

Abstract

Adoption sets up a legal kinship and imitates biological relations. That is why adoption holds a unique position in law. I chose this topic because of its particularity and importance of adoption. Due to the current recodification the adoption has undergone great changes which brought new issues that scientific work is trying to solve.

As the title indicates, my diploma thesis deals with two particular problems of adoption. The text is divided into three chapters. The first chapter is rather short and serves as an introduction to the adoption theme. It briefly describes the purpose of adoption, its effects, classification and legislation. It is a base for the following chapters.

The first issue is the current legislation of adoption conditions. After more than sixty years of adoption evolution as a substitute child care form, the legislation and legal theory developed and stabilized. The chapter deals with all conditions and classifies them. The new Civil Codex 89/2012 Statute Book of the Czech Republic accepts most of the statutes and develops them so the adoption keeps its importance.

As the second issue I chose the adoption of adult. The chapter talks about roots of adoption in Roman law, its evolution on our territory and causes that led to its current prohibition. Large part of the chapter pays attention to the new codex, which puts the adoption of adult back to our legal system. In the end of the chapter I deal with adoption of adult in Germany, Austria and France. In these countries the adoption of adult has a long tradition and our new codex is influenced by the adoption legislation of these countries. The diploma thesis shows that it is not a new or groundless institute and also depicts an original conception of adoption. Within the subchapter about the new codex the work deals with many unanswered questions and indicates the way for the practice of the courts when the new codex is effective.