

Abstract

The thesis deals with the protection of land ownership rights against unlawful interference. The aim of the thesis is to present and analyze interference with land ownership and outline means of protection against unlawful interference. This thesis pays attention to new Civil Code and comparison with current regulation. Thesis also includes relevant decisions issued by the Supreme Court, the Supreme Administrative Court and the Constitutional Court of the Czech Republic with regard to protection of land ownership.

The thesis is composed of three main parts. The first part is introductory and defines basic terminology used in the thesis. This part describes land ownership and its specific features.

The following part describes and analyzes what is meant by interference with land ownership. This part illustrates interference allowed or recognized by law and unlawful interference. The interference with land ownership can be caused by public authority or by other people. This part also explores interference with land ownership within neighbour relations. Special attention is given to interference with ownership regarding entry to land, on the basis of selected legal regulations that are related to land ownership and environmental law.

The third part is subdivided into two subparts and provides overview of means of protection against unlawful interference. Ownership right is guaranteed by the Charter of Fundamental Rights and Freedoms, as a part of the constitutional order of the Czech Republic. Both private rules and public rules provide protection of land ownership rights. The purpose of protection is to prevent the infringer from disturbing the exercise of ownership rights, eliminate objectionable condition or remove consequences of unlawful interference. The public protection is primarily characterized by imposing sanctions or remedial measures. The Civil Code is the main source of private protection. The Penal Code and regulations of administrative law provide public protection.