

Land – use rights

(Summary)

The purpose of this thesis is to complexly discuss history, development, contemporary state and the future of the land-use rights, especially with respect to specific attribute of land as being an object of civil legal relationships. This paper can be divided into three parts – history and the development of usage rights, description and analysis of valid legal regulation of usage rights and finally comparison of this regulation with the draft of new Czech civil code and Slovak regulation of lease relationships. For the sake of better arrangement, the comparative part does not constitute a separate chapter, but is included in particular chapters related to relevant usage institutes instead.

The first part of this thesis concerns the history of land reforms in Czech lands, demonstrating a close connection of land legal relationships with social and political changes in our territory. After the year 1948, the institutes of usage rights became one of the dominant instruments of building the socialist society, where the principle “land belongs to those who farm on in” applied.

The next part of this paper is focused on valid legal regulation of usage rights, with its major usage institute being the lease according to civil code, which is a *lex specialis* to other legal acts that also regulate the lease. In this part, the particular requirements of lease contract and other related issues are dealt with in detail, also covering the relevant judicial decisions of Czech Constitutional and Supreme Court.

The third part is focused on comparison of valid legal regulation of usage rights with planned regulation according to the draft civil code and also with regulation of land lease relationships in Slovakia. Draft civil code introduces two new legal institutes – precarium and tenure and it also reestablishes the terms land and personal easement. Reintroduction of tenure contract would mean a return to General civil code, which was valid in our territory until 1950. Tenure, as opposed to lease, requires an active approach of tenant in order to realize the consumption rights. Tenant administrates and cultivates a non-consumable object and takes the benefits the object brings. Consumption right of tenant is then taken into consideration for instance in the cost coverage regulation.