

Abstract

This rigorosum thesis deals with the civil issue – withdrawal from the contract under the condition of the Czech legal system. The introduction focuses on essential points especially classification of the withdrawal from a contract into legal system and principles of contractual law of obligations. The other chapters exclusively pay attention to the analysed institute itself, its nature, relevance, form, legal essentials, requirements and limitation of the right to withdraw from a contract. The author devotes the attention to legal and contract grounds, which enables to use withdrawal from a contract and to the legal consequences and effects, which the withdrawal from a contract induces. The thesis also covers the issue of contractual provisions, which stays valid despite the withdrawal from a contract. One single chapter deals with the appropriate solution of the effect of the withdrawal from a contract to sell and transfer the title to real property including a review of effect of the withdrawal from a contract upon the contracting parties and third persons in case there is the withdrawal from a such contract after the transfer of the real estate to the contracting party/parties which has/have not participated in the original civil law relation.

In the next chapter the regularization of the withdrawal from a contract in Federal Republic of Germany is described. It involves the legal form of such an institute in the non-binding Draft Common Frame of Reference (DCFR) and the Principles of European Contract Law (PECL) including their comparison with valid civil legislation and even with the proposed version of the new Civil Code.