

14. Resumé

This thesis is focused on spousal joint-property and the settlement thereof as the legal cornerstone of Czech matrimonial law. The fact that this relatively young legal instrument encompasses a rather broad and difficult area of relationships, both inter-spousal and between spouses and third parties was the decisive factor in my selection of this topic. Additionally, the topic is current and has a broad effect on people's daily lives.

The goal of this thesis is to shed some light on the theoretical background of the legal regulation of inter-spousal property relations by comparing the current legal regulation with its historical counterpart. In so doing, the thesis will highlight specific points of this legal instrument as well as the possibilities of its future transformation, revision, or complementation.

This discussion will begin with the historical background of the legal regulation of inter-spousal property relations from 1811 to the present. Then it will outline the general characteristics of spousal joint-property, including an evaluation of its positive and negative aspects. It will also discuss what constitutes the property held by the marital community. Obligations between spouses that exist solely because of marriage will be examined next. The thesis will then examine the possibility of modification of the legally defined limits of the joint-property. This includes a discussion of various types of agreements and the maintenance and administration of joint-property. Next, it will evaluate settlement arrangements for joint-property initiated for instance due to the commencement of the business activity by one of the spouses. This includes a discussion of the reasons leading up to the extinguishment of a joint-property relationship. The final chapters of this thesis are devoted to the similar foreign legal regulations and to the new law on insolvency. It will conclude by discussing domestic issues such as property settlement of former spouses upon the termination of the joint apartment rental.

For reasons of transparency and coherence, each chapter will commence with a discussion of the former legal regulation, which is subsequently juxtaposed with the current legal regulation. The respective chapters and sub-chapters are then concluded with the examination of the issue in the light of the prepared recodification of the Czech Civil Code.