

# **Abstract**

## **Marriage**

The topic of my Master's degree thesis is Marriage. The reason for choosing this topic is that I believe marriage is everlasting and is still a very current legal institute that influence day-to-day live of individuals. The purpose of my thesis is to analyze and describe the entire existence of the legal institute of marriage from the beginning to the end. My research is mainly focused on entering into marriage, content of marriage itself, means of the termination of marriage and finally on associated legal consequences.

The thesis is composed of five chapters. First chapter is the Introduction and last chapter is the Conclusion. The other three main chapters deal with different aspects of marriage. There are also the Content, the Index of Abbreviations, the Bibliography and the Annexes beside these five chapters.

The first chapter following the Introduction describes historical development of legislation concerning marriage during the time. The chapter is divided into two parts. The first of them is devoted to matrimonial legislation in Ancient Rome. Second part documents its development on Czech territory.

Chapter Three discusses the categorization of the Family law into the Civil law, mentions sources of marital law and compares Czech matrimonial legislation in force with the new one contained in Act No. 89/2012 Sb., The Civil Code. The chapter is subdivided into seven parts. Part One defines term of marriage. Part Two explains process of contracting the marriage including the procedure before the Registry Office, wedding ceremony, forms of marriage and entering into marriage in extraordinary situations. The next part is about the invalidity and the nonexistence of marriage. The fourth part is addressed to problematic of sham marriages. The content of marriage or better to say the husband and wife's rights and responsibilities are described in the succeeding part. The next-to-last part outlines the means of the termination of marriage including types of divorce, the protection of minors and procedure of divorce. Last part gives a brief survey on religious aspects of marriage. Each of these parts contains also description of main changes effective from first of January 2014.

Penultimate chapter reflects current affairs in the world which are represented by permission of homosexual marriages in France. There is a brief description of French marital legislation and its different ways of coexistence of man and woman such as the Contract of Civil Solidarity and cohabitation. The chapter also compares Czech and French relevant legislation.

Conclusions are drawn in Chapter Five. There is given my final comparison of current and future Czech legislation. Even though Act No. 89/2012 Sb., The Civil Code copies current Czech marital legislation, it also reflects current jurisprudence, is more specific about doubts of legal statements in current legislation and introduces new legal institutes. The main conclusion which came out of this thesis is that Act No. 89/2012 Sb., The Civil Code is better and more complex than current legislation.