

Comparison of legislation concerning the establishment and determination of parentage in the Czech Republic and the Kingdom of Belgium

SUMMARY

The purpose of my thesis is to compare two different, yet somehow similar systems of civil law. Reason for choosing this particular topic (creation of filiation) is because I consider it a very important moment in life of every individual.

My thesis is composed of eight chapters, each of them dealing with different part of the main topic. Each chapter is also divided into three parts, each of them studies one particular legislation, because not only this thesis compares Czech and Belgian law, but also examines differences between Czech current legislation (mainly law concerning familial relations and marriage) and future one – the Civil Code which will take effect from 1. 1. 2014.

Chapter one is destined to present main reasons and the interest of law on the definition and regulation of the notion “family”. Part one describes the problematic from the view of Czech law, part two deals with the same theme, but by Belgian law.

Chapters two and three both examine the issue of determination of motherhood, including problematics of surrogate mothers.

In fourth chapter, also subdivided into three parts, I concentrate on legal presumptions of paternity and on possible ways to establish paternity of the individual by those presumptions. Also mentioned are ways, where presumptions are not applicable.

Chapter five focuses on acknowledgement of paternity and on affirmative declarations of parents, concerning the determination of parentage to a child. This chapter contains also three different legislations, concerning the matter.

Next part of thesis, chapter six presents options that biological parent or child has, to establish the parenthood. This chapter mainly describes possibilities of bringing action against other subjects, to prove biological reality and obtain the court decision in their favor.

Chapter seven investigates denial of paternity in each of three examined legal systems and also denial of motherhood, which is only possible in Belgian law.

Last chapter describes and explains all specifics and conditions of adoption. It also defines basic terminology and presents required formalities to successful process of adoption.

It also compares legislation in Belgium and in Czech republic and presents similarities between current Belgian system and oncoming new Civil Code of Czech civil law.

Conclusion part then states, that oncoming new Czech legislation bring the system of family law closer to the traditional conception which is common in western Europe, including the Belgian one, and name examples of similarities in compared systems.