

# Summary

## Easements

Master's degree thesis deals with easements and describes historical development of this legal institute, and his form in today's effective civil code 89/2012 Sb.

Easements belong to absolute property rights and *iura in re aliena*, which is the privilege of using a thing of another as if it were one's own. There is an obligation of one person to tolerate something, to refrain from something or to perform something in favour of another person. In this way it allows more people to use one thing without being its owners.

The thesis is divided into five chapters. There is an introduction, which describes the aim and division of the work.

First chapter explains the institute of easements, its place in today's effective civil code and historical types of easements. There is also short part about the importance of this institute in today's law.

Second chapter deals with historical development of this legal institute. First of all there is subchapter about servitudes in Roman Law, because civil code 89/2012 Sb. was inspired with it. Then there is part about regulation in the feudalism period. Because the main inspiration for civil code 89/2012 Sb. was ABGB from 1811, there is subchapter about servitudes in this civil code. Last subchapter of this part deals with the regulation according to civil code 141/1950 Sb.

Third, more comprehensive chapter focuses on the regulation in civil code 40/1964 Sb. Because of the amendments of this act is the chapter divided into three subchapters- easements in 60. and 70. years of 20th century, then 1983-1991 and finally from 1992 to 2013.

The most comprehensive part of my thesis is obviously about regulation of servitudes and real burden in civil code 89/2012 Sb. There are subchapters about general provisions, which are common for all servitudes and real burdens and then the thesis explains servitudes and real burdens, which are specifically describe in civil code 89/2012 Sb.

In last, fifth chapter, the thesis contains short description about legislation in Germany.

An the end there is the conclusion, which summarizes the thesis and the regulation in new civil code, which is effective from 1st January 2014.