

Abstract

This thesis is focused on the *superficies solo cedit* principle which was already known in Roman law and which expresses the rule that the surface yields to the ground. As a result of this rule, everything that is built on the land and that grows up naturally there belongs to the owner of the land. The aim of the thesis is to describe origin and historical development of the *superficies solo cedit* principle, subsequently to present its current expression in the legal order of the Czech Republic and to identify its problems, and, finally, to point out the effects of the restoration of the *superficies solo cedit* on the Czech legal system.

The thesis is divided into seven separate chapters. Chapter One describes the expression and development of the *superficies solo cedit* principle in the Roman law. Chapter Two particularly deals with the ABGB Code from 1811 which was valid in the area of today's Czech Republic until 1950 and which significantly influenced the current Czech Civil Code. This chapter also includes analysis of provisions dealing with *superficies solo* principle and other relating terms, some of which were an inspiration for current Czech legislation. Third chapter explains the reasons for abandoning of *superficies solo cedit* principle in Civil Code No. 141/1950 Coll. and its consequences. A part of the explanation also deals with changes in content of terms such as legal thing or immovables. Chapter four deals with Civil Code No. 40/1964 Coll. which was valid in Czechoslovakia and later in Czech Republic from April 1, 1964 till December 31, 2013 and because of the transitional provisions of the Civil Code No. 89/2012 Coll. some of its provisions will be applicable also in the future. Due to the rule according which the building was not part of a plot of land, this chapter provides a definition of a building and a plot of land and also mentions some significant judicial decisions specifying these two terms. Chapter Five analyses the *superficies solo cedit* principle and closely related terms in Civil Code No. 89/2012 Coll., compares current state with the past, identifies some of interpretation problems arising out of the restoration of *superficies solo cedit* principle in Czech Republic and outlines their possible solutions. Chapter Six mentions the impact of the *superficies solo cedit* principle on public law and emphasizes the importance of this rule for the whole legal system. The last chapter describes expression of *superficies solo cedit* principle in Germany and Austria and compares it with the current state in Czech Republic.