

Abstract

The dissertation deals with the historical elements of the ineffectiveness of legal acts, and the tradition of this legal institute in the territory of the Czech Republic, whereas the concept of such a legal institute pursuant to Roman law is not left aside, either. The terms of the legal act are defined there as well as the absolute and relative ineffectiveness of legal acts. The dissertation focuses on the relative ineffectiveness (defeasibleness, the right of defeasibleness) of the legal act, namely with regard to other „defects“ of the legal acts (nullity, invalidity, withdrawal from the contract etc.) as well as with regard to other systems of the creditor's protection (within the scope of the common civil law, corporate law, insolvency law and the criminal law instruments). The dissertation pays attention to the issue of the name of the defeasibleness right institute, to its purpose, forms (based upon defeasibleness as well as upon statutory ineffectiveness), and to the defeasibleness action. The dissertation analyses the effective legal regulation of the right of defeasibleness, including non-insolvency law (pursuant to 1964 Civil Code and 2012 Civil Code) as well as the insolvency proceedings.

Keywords: absolute ineffectiveness, actio Pauliana, ineffectiveness of the legal act, defeasibleness, the right of defeasibleness, defeasibleness action, relative ineffectiveness.