

SUMMARY

Acquisitive prescription

This Master's degree thesis deals with the topic of acquiring the right of ownership by prescription (usucaption). Its aim is to describe the form of the institute in Czech law and to put it into a broader framework.

Acquisitive prescription is a means of original acquisition of ownership rights to things. It solves the problem, when possessor does not own the object of the possession. The ownership to the thing is acquired under these conditions: good faith of the possessor, just title, possession for required time.

The thesis is composed to five chapters. The introduction summarizes the aims of the study and explains the concept and the structure of the thesis.

Chapter One is introductory and defines basic terminology used in the thesis. It describes the concept of things and rights in rem in Czech private law. Then it explains the theory of possession, such as its fundamentals, its meaning and protection provided to the possessor. After that it focuses on definition of ownership and methods of acquiring the right of ownership. This chapter concludes with a short explanation of what is acquisitive prescription and what is its significance.

Chapter two focuses on the history of this institute. It highlights the most important aspects of acquisitive prescription in ancient Rome, in the Civil Code of 1811, in the Civil Code of 1950 and the Civil Code of 1964. The part focused on the Civil Code of 1964 is elaborated in detail, because this code ceased to apply a few months before the completion of this work.

The most important part of this project is chapter four, which discusses the regulation of acquisitive prescription regulated by the civil code of 2012. It explains which persons are capable to acquire ownership right by prescription, what things can be acquired in this way, the characteristics of possession demanded by law and the duration of possession. The end of the chapter explains extraordinary acquisitive prescription (*longissimi temporis possessio*), its significance and what conditions apply.

The fourth chapter briefly describes other ways how Czech Civil Code protects a good faith purchaser. The fifth chapter contains a short text about acquisitive prescription in Austria.

The work ends with the conclusion that explains the selected workflow and evaluates the importance of acquisitive prescription.