

Abstrakt

Převody vlastnického práva k pozemkům

Diplomová práce popisuje převod vlastnického práva k pozemku. Je zde komparována úprava dle současné právní úpravy, která nabyla účinnosti k 1. 1. 2014 s úpravou předešlou. Nejprve jsou definovány základní pojmy pozemkového práva, které jsou později v diplomové práci využívány. Proces převodu vlastnického práva má pak dvě fáze. První fáze (právní titul) je vyložena v kapitole číslo sedm „Smluvní převody vlastnického práva“. Tato kapitola popisuje jednotlivé druhy smluv (kupní smlouva, darovací smlouva, směnná smlouva) a další způsoby převodů. Druhou fází je pak zápis do katastru nemovitostí, na který je zaměřena kapitola číslo sedm „Zápisy do katastru nemovitostí“.

Abstract

Transfer of ownership right to land

The thesis describes the transfer of ownership right to land. It compares the new legislation which came into force 1. 1. 2014 with the old legislation. Firstly, the key concepts of the nature of land law are defined. These concepts are later used in whole thesis. There are two phases of transferring ownership right to land. The first phase (the legal title) is explained in chapter six: „Contractual transfer of the ownership right to land“. This chapter describes individual contract types (contract of sale, contract of donation, contract of exchange) and other types of transfers. Chapter number seven „Registration in the land registry“, focuses on the second phase, which is the registration of right in the land registry.

Summary

Transfer of ownership right to land

The main aim of my thesis is to describe and summarize the entire process of transfer of the ownership right to land. This is done by describing the basic terms as proprietary right and land, which are explained in chapter number three. The research for the thesis was done using comparative methods, where current legislation represented by the new Civil Code and the new Registry Act, which came into force 1. 1. 2014, is compared with the prior legislation.

The thesis is divided into eight chapters. The first chapter contains an introduction to the process of transfer of the ownership right to land. I explain why I chose this topic for the thesis and why this theme is important for law theory and practice.

The second chapter deals with the new Civil Code, especially with modifications, which this legislation brings into civil law.

Chapter number three describes basic terminology. This part is important because terms such as proprietary rights, ownership, ownership in common or land are used throughout the whole thesis.

Land law is a specific part of civil law. The reason why this law is set aside from civil law is because of its specific object. Land has many attributes which differentiate it from all other objects and it is necessary to create specific legal regulations for it. The next chapter provides a brief introduction of the issues concerning property acquisition. There are two main ways to acquire property (original and derivative). In the case of land it is possible to acquire property only from a previous owner who intends to pass his ownership to another. This is because land cannot be created.

The most important part of the thesis is chapter number six. This chapter focuses on the legal title of the transfer of the ownership to land. This legal title is a contract, which may be defined as an agreement creating obligation. The chapter is naturally divided according to individual contracts types (contract of sale, contract of donation, contract of exchange and other types of transfers). The largest part of chapter six is devoted to the purchase contract, which is the most used legal act.

To finish the transfer of the law it is necessary to register land ownership by a deposit into the Land Registry. The seventh chapter enumerates all the conditions of this deposit and it also describes the process of registration as well. The last part contains a summary of the thesis.