

Abstract

This thesis is focused on the theme of parity and disparity in settlements of common marital property. The main aim of this work is to analyze the topic of parity and disparity in settlements of common marital property, which is not summarized complexly in professional literature. The thesis is composed of seven chapters, which are divided into sections and subsections.

Chapter One is an introductory chapter which provides the basic starting points and main purpose of this thesis. Chapter Two describes the historical development and conception of common marital property in our legal environment. Encompassing changes from Roman law through to modern Czech law.

Chapter Three contains a short introduction to the topic, the basic characteristics of common marital property together with its creation, termination, regimes, modifications, settlement and methods of settlement are described in the beginning of the text. This chapter is used as a base for all other parts of the thesis.

Chapter Four is the core of the thesis. It will deal with the conditions, reasons and consequences of using disparity in the case of settlement of community property. The topic is analyzed considering the basic normative starting points of parity and disparity. Current judicature is very important source of this thesis and is researched in this chapter. Chapter five looks at using the disparity in practice.

Chapter six compares the main issue with foreign legislation. The possible ways of organizing property relations between spouses in a continental type of legal culture is described at the beginning of this chapter. A Comparison between Czech and German legislature and judicature is the essential point of this chapter. Conclusions are drawn in Chapter Seven.