

The present doctoral thesis is aimed at selected questions related to the specification of real estate and the property rights associated with it. Taking into consideration legal acts of obligational character (e.g. rent), it profoundly analyzes the European dimension affecting the management of immovable property as well as provides a comparison of the recent case law, a topic covered in individual parts of the text, while evaluating the applicability of these judgments in the future, that is, in relation to the current Civil law.

Following an introduction defining the main objectives of the paper, the second chapter is dedicated to the characterization of some basic questions associated with individual kinds of immovable property, which, apart from taking account of the individual innovations (some of them re-established) contained in the Code, allow for the impact of previous derogated legal rules on the application of individual amendments proposed by the law (e.g. the re-establishment of the superficies principle).

The next chapter examines, besides the basic components and kinds of possession, the essential innovation of the Civil Code, that is, the possessory protection. In relation to this, the chapter also gives an interpretation of two related institutes, namely the institutes of unauthorised building structures and of usucaption, where both of them suppose the quality of good faith of the building owner (or the holder) for the fixing of a possible property settlement.

The fourth part of the thesis deals with selected components of property law which, due to their character, find their use in the countryside rather than in bigger cities, and which are thus rather connected with the territorial extent of right in rem as such.

The essence of the common real-right relation to an immovable object, its management and ways of maintenance, as well as the possibility of terminating a co-ownership and the settlement connected with it, are the themes of the fifth chapter, which does not omit the adjustment of the status of the owner of a unit found in the position of the member of a corporation, or an association (most usually a homeowners association).

While dealing with the acquisition from the unauthorised (so called non-owner), it was absolutely impossible to ignore the far more precisely formulated principles of material publicity of public registers, where the adjustment of regulation of § 984 of the Civil Code will have an impact especially on the acquisition of property rights to real estate from an unauthorised person. This issue is, as for the analysis of judicature conclusions, the aim of the second part of the given chapter.

Selected aspects of rental relations, with the focus on the difficulties frequently appearing in rental contracts, are defined in the seventh chapter, which does fail neither to present the criteria of distinction between tenure and lease, nor to allow for different ways of the increase of payment for the use of rendered objects.

The last but one chapter then analyzes the case law conclusions of the Strasbourg Court of Human Rights in the area of the immovable property disposition, more and more focusing on the issue of rental relations. It further presents and examines the fundamental regulations of the EU law, which have a real effect in the area of the so-called real estate law.

The final chapter briefly summarizes the findings contained in respective individual parts of the thesis.

The thesis has been completed and revised up to the date of 16th February 2016.