

## **RESUMÉ**

The topic of my thesis is the end of the marriage. In the thesis I deal with the particular types of the end of the marriage as well as with their legal consequences. The text is divided into introduction, four main chapters divided further into sub-chapters, and the conclusion.

The first chapter focuses on the end of the marriage through divorce. First, I deal with the necessary preconditions for the divorce of the marriage. I distinguish two types of divorces, one with the investigation of the reasons of the disruption of the marriage and one without such investigation. I also describe clause protecting individual spouse from divorce in case the substantive damage may be caused to him or a minor child by divorce (so called hard clause). Further, I focus on matrimonial property and its liquidation after the divorce, on the living of respective spouses after the divorce and the possible obligation to pay maintenance.

In the first chapter I also look into the arrangement of children after the divorce, i.e. the criteria which must be taken into account when assessing the situation of the child and its best interest, the legislation regarding custody of the child to solely one of the spouses, to their joint custody and the shared care. The main focus is on the shared care, which is still greatly discussed and sometimes controversial issue. I also analyze the maintenance obligation to children.

Second chapter is comparative study with the Dutch legislation. It describes the necessary conditions for the divorce in the Netherlands, its consequences to the matrimonial property as well as to the possible arrangements of the care of children.

In the third chapter I analyze the end of the marriage due to the death of one of the spouses. First, the institutions of the proof of death and the assumption of the death are described, and then I look into legal consequences of the death to the sphere of the marriage, i.e. how the matrimonial property questions are resolved, status of the spouse as the heir and his or her legal claims towards the inheritance. The living arrangements of the spouse after the death of the other spouse are also analyzed.

Fourth chapter is dedicated to the end of the marriage by change of the sex of one of the spouses. This legal institute is described in broader context of the whole

Czech legislation, and the perspective of the European Courts of Human Rights' case-law.

The conclusion is the synthesis of the particular information. I conclude that for the topic of the thesis the conflict of the principal of contractual freedom and the protection of the weaker party is crucial. The role of the court in assessing the questions arising from the end of the marriage is of high importance in such situation.