

Abstract

This thesis deals with issues concerning community property of spouses with a special regard to its settlement. The objective of the thesis is to summarize the development of property regimes between spouses starting from community property up to the current legislation, that has been subjected to a detailed analysis and evaluated in the context of the previous regulation as well as other valid legal institutes, which are of matters similar to those of community property settlement.

The first chapter of the general part of the thesis provides a brief summary of previous regulation of matrimonial property regimes and focusing on three principal questions, namely the extent of community property of spouses, the possibility to adjust the extent of community property of spouses and the settlement of community property. The second chapter covers the principal concepts that are relevant to the settlement of community property of spouses.

The key part of thesis begins with a summary of fundamental changes, concerning the community property settlement, that were established by the new Civil Code in 2014. The chapter dealing with the extent of community property of spouses first emphasizes the changes of the extent of community property, and then concentrates on the most important ones, that have influence on the extent itself, and in particular on the ones concerning donation and the use of word “profit“. The part named the settlement of community property is dedicated to the current regulation of settlement. It primarily focuses on the size of the share of the settlement and also examines the most important innovation adopted by the new Civil Code: valorisation of the investments. This change is subjected to comparison to similar institutes of the civil law and criticized by modelling of absurd situations. The thesis is supplemented by examples of calculations, that help to explain the issue in practice and demonstrate the assertions about the disputable regulation of valorisation of the investments. The conclusion of this thesis includes sectional judicial decisions, that clarify interesting and important issues concerning the settlement of community property of spouses.