

## Summary

The legal institute of marriage and connected property relations between the spouses are more than other areas of law influenced by social changes and atmosphere in the society which determine further development and direction of this area of law significant for life. The matter of marital property relations is currently complicated for legal laymen, not only because the public has not got sufficient legal awareness regarding the variety, advantages and disadvantages of individual contractual modifications of marital property relations, which are therefore used very rarely, but often we can also see that the spouses don't even know what is the subject matter of the basic and subsidiary legal marital regime, e.g. community property of spouses, which can have consequently a significant impact on their lives.

The aim of the submitted rigorous thesis was to evaluate, whether the current legal regulation of modifications of marital property can stand in comparison with the Spanish legal regulation contained in Código Civil as a codex with long-standing tradition and where could be eventually found inspiration for considerations *de lege ferenda*. The submitted thesis consists of seven chapters which are for better clarity further systematically dived into subchapters.

The introductory chapter is dedicated to the historical development of modern legal regulation regarding marital property relations which reflects social transformations including changes in understanding of the mutual status of man and woman, e.g. husband and wife. The following chapter focuses on the current inland legal regulation in general with its contextualization into the European legal area with emphasis on the legal regulation of the Kingdom of Spain. The third chapter is already dedicated to the contractual modifications of legal marital regime themselves, with the introductory part surveying the development of inland and Spanish legal regulation of modifications contracts, the next part includes explanation regarding the contractual parties of contracts on marital property law and their formal requirements including the comparison with the Spanish legal regulation which regulates *las capitulaciones matrimoniales*. The fourth chapter is concerned in detail with the content of the basic and subsidiary marital property regime, the community property of spouses itself and its Spanish parallel, the *sociedad de gananciales*. In the following chapter, the individual

types of contractual regimes of marital property are analysed in detail, the attention is subsequently dedicated to the separate property regime, regime reserving the creation of community property to the date the marriage terminates, regime constituting a reduction or extension of the scope of the statutory regime of community property. The mentioned modifications of community property are compared with their Spanish parallels, the *régimen de separación de bienes* (regime of full separation of the property) and the *régimen de participación* (regime of separation of the property with participation on the increment of the property value). The sixth chapter is concerned with the limits of contractual negotiations regarding the scope of the community property. The results of the comparative analyses and evaluation of the inland legal regulation in comparison with the regulation of the Kingdom of Spain are presented the final chapter of this thesis.