

Abstract

The aim of the diploma thesis is to present the legal institute of the easements in its complexity placing emphasis on the current legal regulation of this institute in the Czech Civil Code. The diploma thesis deals with the most important practical issues inherently linked to this legal institute with reference to the relevant judicial decisions and suggested solutions of the mentioned problems are presented. The aim of the diploma thesis is also to present the institute of the easements as the institute responsive to the current social conditions undoubtedly reflected in the legal regulation of the institute of the easements.

The first chapter of the diploma thesis is devoted to the theoretical determination of the concept of the easements. In the second chapter the most important historical periods related to the institute of the easements are presented, from the ancient era to the present. The most important ancient principles linked to the institute of the easements are discussed and their importance for the contemporary legal regulation is emphasized. Subsequently, the diploma thesis also deals with the origination of the concept of the easements and the conceptual change in the current Czech Civil Code consisting in distinguishing the easements from the real burdens. The descriptions of the most important periods of the historical development of this legal institute aims to clearly demonstrate the general affection of the legal regulation by the social conditions.

In the third chapter of the diploma thesis the current legal regulation of the easements in the Czech Civil Code is focused. Nevertheless, at the beginning of the third chapter the concepts of the absolute rights in property and the rights in rem are presented as the author considered such explanation to be the basis for the determination of the legal institute of the easements and its position in the system of the civil law in general. The scheme of the diploma thesis follows the systematics of the legal regulation of the easements in the Czech Civil Code, therefore the most important aspects of the institute of the easements, such as the object of the easement, its substantive content and range are reflected, including the possibilities of protection of the easements. Moreover, the legal relations and different modes of acquiring and the extinction of the easements are mentioned. Special chapter is also dedicated to the problematics of the so called legal easements. Furthermore, respective arts of the easements are discussed in detail, in conjunction with the presentation of the presumable practical problems related with them and the proposed methods of their factual solutions, inclusive of the references to the

relevant judgements. Furthermore, the practice of the courts and the judicial interpretation will undoubtedly play an important role in connection with the doubtful solution of exigent issues in the recent legal regulation of the easements within the frame of the Czech Civil Code. In connection therewith, disputable aspects of the recent legal regulation are reflected, concerning the existence of new legal concepts and incidental disunity in the statutory text.

The fourth, final chapter of the diploma thesis deals with the legal regulation of the easements in Germany considering the fact that the German civil code was an important inspiratory source for the general concept of the Czech Civil Code. In connection thereto, both common and diverse aspects of these legal regulations are emphasised.