

## Abstract

This Master Thesis deals primarily with the legal institute of the right of superficies. It also deals with some another legal institutes which can be used for a building construction on another's land. The Thesis' aim is primarily the analysis and evaluation of the effective legal regulation of the right of superficies and furthermore its comparison with historical regulations, with the Swiss regulation, as well as the comparison with another institutes which can be used for a building construction on another's land.

The Thesis is divided into five chapters which are divided into subchapters. The first chapter defines the basic relevant terms which are important for understanding of the legal institute of the right of superficies. The second chapter is dedicated to the history of the right of superficies and introduces historical legal regulations of this legal institute. At first, the original Roman law institute of *superficies* is introduced, furthermore all the acts which governed the right of superficies in the history in the area of the Czech Republic are analysed, including the regulation of the proposed Czechoslovak Civil Code that never came into force. The attendance is dedicated also to the period when the right of superficies did not exist in the Czechoslovak or Czech legal order. The third chapter is dedicated to the effective legal regulation of the right of superficies. Apart from the analysis of this regulation, some its imperfections are pointed out. Finally, the use of this legal institute in practice is evaluated. The fourth chapter is dedicated to another legal institutes which can be used for a building construction on another's land, namely to the legal institutes of the temporary building, servitudes, lease, usufructuary lease, loan, and precarious loan. These legal institutes are compared with the right of superficies and their advantages and disadvantages for a building construction on another's land are introduced. The fifth chapter deals with the legal regulation of the right of superficies in the Swiss Confederation. This foreign legal regulation is compared to the Czech legal regulation where it is pointed out at the different concept of this institute by the Swiss law and at advantages and disadvantages of both of these legal regulations.