

Abstract: Juridical institute of the guardianship council in the Civil Code of the Czech Republic

The thesis deals with the legal regulations of guardianship council under of the new Czech Civil Code. The Czech legal system has not experienced the institute of guardianship council before, which brings an uncertainty into the interpretation of the respective provisions. The aim of this thesis is to analyse the most important provisions of the legal regulation, demonstrate impact of these provisions in practice, including eventual uncertainties and eventually to suggest a solution of the problematic parts of the regulation. Due to the author's personal membership of a guardianship council is the work enriched by the personal experience from a real existence of the guardianship council.

Another part of the thesis is focused on the analysis of the French legislation and legislation of the Canadian province Québec. The Czech Civil Code explanatory report directly admits the inspiration in the above mentioned codices of France and Québec. Analysis and the consecutive comparison of the above mentioned legislation with the Czech one shall bring the interpretative basis for the application of the legal regulation of the guardianship council under of the Czech Civil Code.

The main output of this thesis is to formulate and propose particular changes of the legal regulation in that way the interpretation of the legal regulation will not be problematic anymore but on the other hand the sense of the legal regulation remains untouched what means that the protection of the ward has to be secured and his interests have to be carried forward.

The new legal regulation of the juridical institute of the guardianship council shall be considered as an appropriate measure for the protection of the wards and lighten the workload of the guardianship courts. On the other side, according to the fact that the recipients of the legal regulation are not legal professionals, the legal regulation brings too many uncertainties what can lead to the increase of the litigations. Paradoxically, the workload of the guardianship courts may increase and the interests of the wards may be affected negatively. It seems to be necessary, that the legal regulation shall be amended on the grounds of the expert debate.