

Abstract

The issue of maintenance and maintenance rights in Czech law

This diploma thesis deals with legal regulation of maintenance and maintenance rights in the Czech historical context. The legislation of the Czech Republic is compared with the regulation of the Slovak Republic.

The first part describes the historical development of this regulation, from the time of Roman law to the present. It also explains the meaning of the term "maintenance" and "maintenance duty" and the difference between these terms.

As a follow-up, other parts of the diploma thesis deal with the various types of maintenance obligations that exist in the current Czech law. For each type of obligation, the manner of its origin, the way of determining its extent and the duration of its duration are described. For the sake of completeness of this issue, the thesis contains a part dealing with the frequency of individual types of maintenance obligations in proceedings before the courts, general assumptions for the award of maintenance, ways of its fulfillment, maturity and possibility of changing the amount of the maintenance obligation.

The next section deals with the procedural issues of the maintenance and maintenance obligations, namely the possibility of including maintenance, the limitation of the right to maintenance and the lawsuit on maintenance itself. This part is followed by the passage concerning the legal provisions related to the non-fulfillment of the maintenance obligation, ie the methods of debt recovery and consequences in the framework of criminal law. This section also mentions ways of punishing those who neglect to maintainance.

The thesis, in its conclusion, illustrates efforts to introduce so-called backed up maintenance in a historical context, in the context of current legal development, and describes the current regulation of the Slovak Republic, where the backed-up maintenance has already been introduced. The thesis is complemented by a survey, which was elaborated through the Association of Incomplete Families. The outcomes of this survey are graphically illustrated in the annexes that are part of the diploma thesis.