

## Abstract

In this diploma thesis, I deal with the institute of acquiring from unauthorized person., which is breaking of Roman principle *nemo plus iuris ad alium transferre potest quam ipse habet*. In English it means, that no one can transfer to someone else more rights, than he has himself.

Also, the acquisition from unauthorized person is interfering to the constitutionally guaranteed right to own the property. Therefore the legislation must adequately reflect this fact, but it has not always been so. In diploma thesis I deal mainly with the development of this institute, principles, which are connected with this institute and especially with the analysis and description of current legal regulation.

The thesis is divided into four chapters and introduction. The chapters are further divided to subchapters, which deal with the theme in more detail. The work ends with conclusion.

In the first chapter, I deal with the general issue of material rights. Then, I deal with the institute of ownership, its constitutional basis, the definition and also the ways, in which the ownership can be acquired.

The second chapter is about the historical evolution of acquisition from unauthorized person. I analyze first the period of Roman law, and I emphasize the principle of *nemo plus iuris*. Then I continue through the development of German law until to codification in the 19<sup>th</sup> century. In this part, I deal with three large codifications ABGB, Code Civil and BGB. In this chapter I also deal with the legal regulation, which was in the Czech Republic when the Civil Code number 40/1964 Sb. and the Commercial Code were in operation.

The third chapter is the most important chapter of diploma thesis. This chapter deals with the important principles such as a principle of good faith, principle of *vigilantibus iura scripta sunt*, principle of the protection of acquired rights and the collision of good faith and ownership and principle of *nemo plus iuris*. Furthermore I analyze current legal regulation of whole institute of acquisition from unauthorized person in Civil Code. There are discussed and explained paragraphs, which are connected to this institute.

The fourth chapter deals briefly with the legal regulation of this institute in Germany.