

ABSTRACT

This thesis deals with legal relations arising from illegal structures at the level of private law. In view of the fundamental changes brought to private law by Act No. 89/2012 Coll., the Civil Code, the author submits a critical view of the existing jurisprudence and current doctrines and opinions in literature, and, looking for German judicial practice and literature, seeks appropriate interpretative instructions, which are applicable to current legislation. The author also uses conclusions relating to the 1964 Civil Code and, in particular, to General Civil Code (ABGB), which are also applied in the Czech Republic and which is a great source of inspiration for the current legal regulation.

The main chapter begins after the introduction in Chapter 1. The focus of this work lies in Chapters 2 and 3, which contain an assessment of the current legislation in light of the available literature and jurisprudence. Chapter 2 evaluates the Czech legal regulation after recodification, criticizing older case law and literature available so far and drawing conclusions from it which are applicable to the current legislative situation in the Czech Republic. Chapter 3 then deals with the German legal framework and points out its differences in relation to the perception of an unauthorized building in the Czech legal system. On the basis of this comparison, the author works to formulate further arguments relating to the Czech legal regulation of illegal structures and related legal institutes.

The author also contemplates the proposals and modifications *de lege ferenda*, which she summarizes at the end of the work, which also assesses the main differences between the Czech and German legal regulations of illegal structures. From the work, the individual legislation then tackles unresolved issues and problems for which the author offers a reasoned solution; whether or not other practice and the professional public agree with the author cannot be anticipated. At minimum, however, this work provides grounds for further discussions that will undoubtedly take place on different levels on the topic of illegal structures and related legal issues.