

Abstract

This diploma thesis is focused on legal aspects of a private and public construction law from builder's perspective with a special emphasis on several current issues of Czech legislation and jurisprudence. As its name suggests this thesis is divided into two parts which corresponds to construction entitlement and construction permit. The first part of the thesis is comparison of terms land and building within different legal regulations. These two terms are highly important because they represent a normative basis for the issue. Subsequently, the most frequent private-law titles, entitling the construction of a building, together with the institutions of usucaption and the problem of unauthorized construction, which are very closely related to these titles, are analyzed.

The core of this thesis is the second part, dealing with spatial planning, planning proceeding and construction permitting. These partial problems are analyzed in a timeline as they naturally follow from one viewpoint of the builder. While less emphasis is placed on spatial planning and construction permits, a deeper analysis is devoted to the planning proceeding. This fact has its merit, because from the procedural point of view, the planning proceeding is of the greatest importance and also has a close connection with a private-law titles, discussed in the first part of the thesis.

Given the extent of the public law issue of construction permit, which covers virtually all construction law, the line of main proceedings is monitored and alternative procedures are left out. This work, as a whole, follows the different stages of the legal status of the developer on the way to realizing the building plan, points to selected legal issues, offers various explanatory insights and attempts to bring *de lege ferenda* solutions as far as possible.