

Summary

Partnership

The purpose of this rigorous thesis is to offer a comprehensive view of partnership as a purely contractual arrangement which allow its members to cooperate in order to advance their mutual interests. Partnership is thus analyzed not only as a concept regulated by positive law but also from the historical and theoretical point of view. The thesis is composed of an introduction, three main chapters and a conclusion.

The first chapter outlines the historical foundations of partnership. From the community of brothers running the family estate after the death of their father (*consortium*) partnership evolved into a consensual contract of the classical Roman law which was used mainly for commercial purposes (*societas quaestus*). In the middle ages, partnership was further developed into *compagnia*, which substantially enhanced the maritime business operations in Italian city states. In the 19th century, Roman-law partnership was “re-invented” by large codifications of private law, of which the most important in the Czech lands was the General Civil Code from 1811. Finally, this chapter analyzes in detail the troubled history of partnership under the communist regime and its rise after the socio-economic conditions changed in 1989.

The second chapter deals with the theoretical aspects of partnership in Czech law and tries to differentiate it from private law corporations. Distinctive traits of partnership, its particular position within a contract and the law, and its advantages and disadvantages are analyzed as well.

The third chapter discusses the regulation of partnership in positive law, i.e. the relevant provisions of Act No. 89/2012 Coll., the Civil Code. After defining the essential requisites of this contractual arrangement, this chapter looks at the conditions of membership, contributions of its members, rules of administration and the manner in which the partners act vis-à-vis third parties. Particular attention is given to distinguishing mandatory and non-mandatory rules governing partnership.

The conclusion aims to synthesise the outcome of the previous chapters and argues that the relevant provisions governing partnership in positive law should be interpreted in accordance with the historical and theoretical roots of this legal concept.

Keywords: Societas, Partnership, Partnership Agreement