

Development of Lien in Czech Countries

Abstract

The diploma thesis examines the development of lien in the Czech countries. The first part is focused on the theoretical description of the laws of lien from the point of view of today's legal theory. The theoretical description shall help the reader with better orientation and understanding of the basic principles of the lien, which developments are examined in the following parts. One of the main goals of the diploma thesis in the second part is to describe the development of lien, using the description method. The development of lien is described from its beginnings in Roman law which fundamentally shaped the next development of lien, through the Middle Ages, where the laws of lien were partly fragmented, until current legislation which mostly follows the Roman law heritage. In the second part of the diploma thesis, the main emphasis is placed on the development of lien after the year 1811, where are also considered the significant social and economic events in the history of the Czech countries, which visibly shaped the forms of lien. The obtained data are further used in the third part of the diploma thesis for the comparison of the three main Czech civil law codes, namely Act No. 946/1811 Coll., the General Civil Code, Act No. 40/1964 Coll., the Civil Code and Act No. 89/2012 Coll., the Civil Code. Those civil codes are used by the author to demonstrate the development of lien in the historic perspective and to identify consistent and divergent mechanics in the main elements of the lien, such as an eligible object of the lien, its creation, termination, and realization in case of debtor's default. In the end of the diploma thesis, the general development of lien is summarized, the current Czech legislation is valuated, and the possible further development of lien is outlined, mainly regarding the increasing usage of digital technologies and the necessity of the legislation to react on these changes.

Key words: lien, civil law, historical development