

## **Abstract**

The aim of the rigorous thesis entitled Origin and termination of marriage with regard to property rights is the analysis of marriage institutes and marital property. These institutes are characterized in terms of their origin, duration and extinction.

The work is divided into three large chapters, the first chapter deals with the origin and termination of marriage, the second chapter is devoted to the concept of marriage and the last chapter is devoted to the comparison of legal regulations in the Czech Republic, Germany, Austria and France. In addition to these parts, the work has an introduction at the beginning and a conclusion at the end.

In Chapter 1 I analyze the regulation of marriage from the point of view of civil law. The chapter discusses the concept and purpose of marriage, engagement, procedure of marriage, prerequisites of marriage and marriage (marital capacity, marriage declaration and marriage ceremony), special ways of marriage (marriage representative, marriage abroad, marriage in direct threatening the life of the fiancé) and finally the legal consequences of marriage. Another area is to analyze the regulation in terms of canon law. In this part the concept of marriage by ecclesiastical law, engagement and preparation for marriage, obstacles to marriage and the formation of church marriage are described. This chapter concludes with a description of the dissolution of marriage first from the point of view of civil law, and then of canon law. It describes the extinction of marriage by death, declaration of the dead and change of sex. Later on, divorce, its history, qualified divorce, divorce with and without cause of divorce, hardship clause, protection of minors in divorce of parents, consequences of marriage termination, change of personal status, adoption of divorced husband, on the divorced spouse's maintenance, the property - related obligations and housing after the dissolution of the marriage. Concerning the extinction of marriage from the standpoint of canon law, it deals with the death of one or both spouses, the declaration of nullity of marriage and the Church's dissolution of marriage.

Chapter 2 deals with the formation and extinction of joint property of spouses. In this chapter, the historical development of SJM, general characteristics of SJM, difference between co-ownership and SJM, subject of SJM, individual ways of acquiring SJM, sources of SJM, SJM administration, contractual modification of SJM, marriage contract, modification of SJM.

Chapter 3 was set aside for comparison of legal regulations of the Czech Republic, Austria, Germany and France. In this chapter it was devoted to the legal regulations of SJM and divorce of marriage. This chapter could itself be the subject of a diploma or rigorous thesis and therefore it was not covered in full detail.

At the end of the thesis is a summary of the whole work. The major part is devoted to the fundamental differences between the legal regulations of the Czech Republic, France, Germany and Austria.

**Key words:** common property of spouses, divorce, marriage, matrimony, settlement