

Abstract, key words

Title of the thesis: Good morals

The aim of this thesis is to elucidate the meaning of good morals to addressees of legal norms. Good morals are not, as an indefinite legal concept, defined in any law, nevertheless, it is important for addressees of legal norms to know their meaning, as they represent, among other things, one of the correctors to the autonomy of the will and the validity of legal proceedings. For this reason, the specification of the content, or meaning, of the term in question is crucial for the fulfillment of one of the most important principles of civil law, which are the principle of legal certainty and the autonomy of the will of persons under private law. In the presented work, the graduate aims to find out how best to approach the content of the concept of good morals for legal practice and the general public, and whether in a situation where there is no legal definition, the concept is appropriately defined in doctrine and case law, and whether it prevails.

The diploma thesis is divided into three parts. The first part deals with the concept of good morals, as one of the oldest institutes of civil law, finds its origin and assesses the nature of the institute in terms of its variability over time. Specifically, it deals with the concept of good morals in Roman law, after the fall of the Roman Empire, then in Czechoslovakia until the adoption of the current Civil Code. The second part offers information on how good morals are approached not only by the valid Civil Code, but also by their interpretation by doctrine and case law, not only in the Czech Republic but also in Germany and Switzerland. Furthermore, this section clarifies the role of good morals in civil law and explains the concept the concept of public order in order to distinguish the meaning and function of these two correctives.

In order to understand as many aspects of the issue as possible, in the third and last part of the thesis graduate deals with the consequences of behavior contrary to good morals and in the second chapter also the approach of practice to good morals in selected areas of their application. For the same reason, the work also includes a comparison with selected foreign legal systems. In her opinion, the comparison with a suitably chosen foreign legal regulation always represents a valuable source of knowledge, as the knowledge gained by this comparison can inspire a change in the existing domestic legislation or, on the contrary, provide confirmation of its correctness. At the end of the thesis, the questions asked in the introduction are answered.

Key words: good morals and their meaning, indefinite legal concept, function of good morals