

## **Resumé**

### **Legal relations between neighbours and their protection**

The legal relations between neighbours and outgoing rights and obligations, are the important part of human relations, which are existing between men from the beginning of evolution of the human society, as well as legal relations between neighbours are the relevant part of the legal orders of each individual state.

In the Czech Republic nowadays, the legal relations between neighbours are stated in the act No. 40/1964 Coll., the Civil Code and it has the unfungible place in our legal order.

The legal relations between neighbours belong into the area of the *jura in re* and they are connected with the problems of the property right. They represent one of the areas of the legal restrictions of propriety, which are necessary to respect in the interest of the same rights of the neighbouring proprietor. If the proprietor wants to exercise his powers, he has to suffer some of the restrictions of his powers, for the benefit of the same powers of the neighbouring proprietor, in the legal frame. The property right represents one of the most basic rights in the full scope of the legal systems, which is declared by the rules with the supreme legal force.

My dissertation is systematically divided into the eight main sections. Leaving aside the introductory and final parts, in the second chapter I tried to define and specify the conception of legal relations between neighbours generally, according to the different definitions made by the present legal theory and finally I tried to bring the short view of public.

The third chapter briefly disserts on the historical evolution of the legal relations between neighbours, from the basic roman legal principles, the middle Ages, the Austrian General Civil Code up to the present day.

The main points of my dissertation are the chapters fourth, fifth and sixth, in which I am dealing with the actual civil legal regulation of the legal relations between neighbours, including the legislative, applicative and

interpretative aspects. In the fourth chapter I describe the place of the legal relations between neighbours in our legal order, in the concrete, the act No. 40/1964 Coll., the Civil Code, including the constitutional frame. I gave the detailed analysis of the particular articles in § 127 of the Civil Code and I showed the decisions from justice related to the analysed questions. The fifth chapter contains the description of several interferences to the legal relations between neighbours and the sixth chapter contains the possibilities of the protection of the legal relations between neighbours, with the accent to the administrative and court protection.

In the seventh chapter I am dealing with the prepared concept of the new Civil Code, I implied the possible development of the legal relations between neighbours and the solutions de lege ferenda. The prepared concept of the Civil Code essentially enlarges the actual regulation the legal relations between neighbours, and changes some principles basically. In the concept, I could find out some systematic, material and inside contradictory absences, to which I try to afar and to add my opinions and commentaries.

I would be very pleased if this dissertation will contribute, in order that the area of the legal relations between neighbours and the outgoing rights and obligations was more intelligible in common and got to the common consciousness. Moreover this dissertation should become the possible guide of preventing the possible pursuits and should help its prosperous solution.

Therefore I tried to give the integrated view to the whole area of the legal relations between neighbours with showing the courts decisions, cases from the practice and last but not least with my personal view and the opinion in the cases, where it was possible.

I strongly hope, that I succeeded to describe and to valorize the substances of the legal relations between neighbours in the relation to their solutions in the area of the civil and procedural law.