

9. Abstract

Creation and cessation of the land ownership right – legal forms

The purpose of this rigorosum thesis is to define basic legal forms of acquiring ownership right to land and to point out some related interesting issues. The description of a relevant legislation (mainly the Civil Code) is, when needed, supported by decisions of the Constitutional Court of the Czech Republic or the Supreme Court of the Czech Republic since these decisions often help to cope with some interpretation problems that occurred. The thesis also contains information about a proposed Civil Code which should change Czech Civil Law markedly.

The thesis is composed of nine chapters (this chapter included), each of them dealing with different aspects of the subject matter. Chapter One defines basic terminology used in the text. Chapter Two is introductory and briefly defines the content of the thesis and methods used therein. Chapter Three is subdivided into three parts. Part One characterises the term ownership right, part Two the terms land and plot and their relation to each other and part Three focuses on the special nature of ownership right to land which accrue from the particularity of the land (non-productibility, indestructibility etc.).

Chapter Four is subdivided into six parts corresponding to particular forms of acquiring ownership right to land. In the first part of this chapter there is an analysis of contracts that may be legal titles for the transfer of ownership right to land. These are especially a purchase agreement, a donation agreement and a barter agreement. These agreements on transfer of plots must be concluded in writing and the expressions of the participants must be on the same document. If the plot is transferred on the basis of such an agreement, the ownership will be acquired by entering it in the Land Registry. Ownership right to land

may also pass through succession (second part). It is the practice of passing on property, titles, debts, and obligations upon the death of an individual. In law, succession covers two distinct concepts of testamentary succession and hereditary succession (intestacy). Usucaption (third part) is a method by which ownership to property can be gained by lapse of time. The effect of usucaption is usually to remedy defects in title. Further ways of acquiring ownership right to land may be through a court decision, an administrative act or a statute (fourth and fifth part).

Chapter Five explains how ownership and other rights to land are registered with the Land Registry.

The thesis is concluded with general summary in which findings are summed up, the proposed legislation is criticized and some ideas *de lege ferenda* are presented (chapter Six). Following two chapters include attachments and references.

Klíčová slova: vlastnické právo
 pozemek
 ownership right
 land