

Abstract

A comparison of the legal regulation of relationship between parents and children in the Czech Republic and Italy

The purpose of this thesis is to provide an overview of the basic differences between legal regulation of the relationship between parents and children in the Czech Republic and Italy. This theme was chosen because of the different historical development and social conditions in both countries, which results in a different concept of parenthood and other relations derived from it.

The study is divided into three main parts, that in particular reflect the formation and area of application of relations between parents and children and eventually means of protection of a child as long as he is not provided with proper care in his family environment. These parts are:

- a) parenthood,
- b) the content of relationship between parents and children,
- c) substitute parenthood and substitute education.

Each part contains two chapters for a better comparison. The first always briefly outlines the Czech legal regulation and the second chapter is devoted to a deeper explanation of the Italian regulation. Basic differences of both legal systems are explicitly highlighted.

Subchapters focus on individual legal institutions of family law relating to the relationship between parents and children or other relations that replace them. In case of Italian rules it was sometimes impossible to avoid the procedural regulation of the specific area, because of its interconnection with the substantive law. There are also mentioned the most important international rules, on which both regulations are based on.

To provide an overall picture of the mode of interpretation and the application of the Italian regulation, this thesis lists the most important judicial decisions or observations and opinions of experts among scholars. The most significant in this respect are the judgments of the Italian Constitutional Court and the Supreme Court of Cassation.

The purpose of this thesis is not to judge, in mutual comparison, the quality of the legislation of both countries. Instead it is meant as an effort to point out some persistent problems and to demonstrate, for illustration, what solution has been chosen by the legislature elsewhere. Everyone can form their own opinion on the effectiveness of each legal regulation and on the importance of goals, which the individual rules put forth. During such comparison, it is necessary to take into account certain differences in value systems that characterize the societies of both countries.