

This thesis focuses on legal capacity of minors. Maturity of a person depends on his or her age and the development of a personality is consecutive, therefore each legal system must deal with a question how to incorporate a capacity of minors (going through this development) to cause legal effects with own acts. These persons need a higher degree of protection and a different intensity of control or surveillance. Based on general description of several theoretical approaches to the issue the solution chosen in the Czech Republic and in Germany is being closely analyzed.

The text of this thesis is divided into five chapters. Firstly, the Czech legislation concerning the issue is being explained. In the first chapter all the basic terms are defined and also the system of legislation regarding legal capacity is shortly outlined. The second chapter includes detailed analysis of legislation concerning legal capacity of minors. The basic criterion for assessment of capacity to cause legal effects with own acts is intellectual and volitional maturity. This criterion is complemented with special cases of a minor acting with consent of his legal representative, operation of business and performance of dependent work. The thesis also mentions acquisition of full legal capacity before reaching the age of majority through marriage or grant.

The third and fourth chapter deals with the German legislation. The criterion for assessment of legal capacity to act is created of particular age limits connected with different extent of granted legal capacity. The decisive criterion is legal benefit. As a rule, a minor usually needs consent of a legal representative with his or her acts – particular ways in which the consent may be granted are examined closely.

The last chapter focuses on basic comparison of analyzed legislations. Based on this comparison we can see that the difference in approaches is striking. This is a result of each legal system opting for different approaches and putting an emphasis on different degree of values as legal certainty, autonomy of will and freedom of a person.

At the end of this thesis the Czech approach is being assessed as more natural and flexible as it substantively takes into account the consecutive development of a person and his or her particularities. The German conception brings a high degree of legal certainty due to objectively set up criteria, however it is being evaluated as mechanical and too general.