

Summary

Donation is not only a transfer of property, but it is a proof of certain relationship between the donor and the donee, which results from the liberality and altruism of the donor. Therefore it is understandable that majority of donations take place in the frame of family relations, they appear almost every day and they present a highly used contractual type in all legal orders. The legal regulation of donation has been significantly extended by the new civil code (Act no. 89/2012 coll. civil code) compared to the previous regulation and therefore is more compact and detailed, it has been also extended of another reason for revocation of donation, namely for impoverishment of the donor, furthermore the *donatio mortis causa*, which has been forbidden by the previous civil code has returned to the current regulation. In spite of enactment of new regulation some questions remain unsolved or new questions arise which will have to be answered by the currently non-existent specialized literature and judicial decisions.

The aim of the submitted diploma thesis was to evaluate, whether the current legal regulation of donation contract can stand in comparison with the other European regulations, contained in civil codes with long-standing tradition whether it exceeds them in some directions, which deficiencies can be seen even now and so what could be the *consideration de lege ferenda*. This thesis consists of four chapters, which are for better clarity consequently logically subdivided into further subchapters. In the introductory chapter the socioeconomic background of donation is brought forward it is then followed in next chapter by the brief treatise of historical development of donation starting with the ancient Rome across the introduction into the elected law regulations of donation in foreign civil codes of Spain, Germany and Switzerland whereas the view into past of domestic legal regulation is not left out. The third chapter is the main chapter and the most comprehensive one, its subject is already the regulation of contract of donation itself in comparison with foreign regulations whereas it is subdivided into nine main subchapters. The first half of the third chapter is focused on the conceptual elements of donation, basic components of donation relationship, perfection of donation contract and variations of donation contract. The collation and liability of the donor for defects are also not left out. Second part of the third chapter focuses on recession of contract and refusal to fulfill the promise of donation and mainly on revocation of donation for

impoverishment of the donor and for ingratitude of the donee. The revocation of donation for non-fulfillment of the condition and for survivance or supervene of children which are regulated by the foreign civil codes are also analyzed. Last part of the third chapter is dedicated to the discharge of donation contract. In the last chapter of this diploma thesis is submitted the summary of results of comparative analysis, which took place in frame of particular chapters and the domestic legal regulation is reviewed from the comparative prospective.