

# **Matrimonial property regimes in Italian and Czech law**

## **Resumé**

This master thesis deals with matrimonial property regimes under the Italian Civil Code and the Czech Civil Code. This issue is significant not only from the perspective of spouses and their families, but also important for everybody who makes contract with a spouse. The purpose of this thesis is to analyse and compare Italian and Czech provisions related to marital property regimes and to point out similarities and differences between them.

This thesis consists of an introduction, three parts that are further divided into chapters and a conclusion. The first part is an analysis of Italian provisions. It deals with the fundamental principles of the Italian legal system and matrimonial property regimes as codified in the *Codice civile*. First of all, it examines statutory community of property, marital assets (marital property, deferred community of property and liabilities), personal property and also deals with mandatory rules of the management of marital assets. Then it deals with contractual regimes, namely the separation of property, the property fund and other marital and prenuptial agreements. Subsequently, it examines the termination of community of property and the division of marital assets.

The second part concerns the Czech provisions related to matrimonial property regimes laid down by the Civil Code. Therefore, it examines the statutory community of property regime, contractual regimes and the property regime based on the court ruling, and also corresponding management of the marital assets. It analyses the statutory community of property, marital assets and personal property and also the management of marital assets under the statutory rules. Then it deals with contractual regimes, that is the separation of property regime, the regime under which the community of property is established upon the termination of marriage, as well as an expansion or reduction of the scope of the community of property. It also outlines the management of marital assets based on contract. Then it examines the regime based on court ruling and the management of marital assets. Subsequently, it discusses the termination of community of property and the division of marital assets.

The third part is a comparison of both Italian and Czech Civil Code, that shows similarities in these regulations, but it is primarily an analysis of the most important differences. This part discusses the positive and negative aspects of enacted provisions in both countries. It also contains a subjective assessment of the Czech and Italian regulation and proposes solutions to be adopted by legislators in the future.