

Abstract

The diploma thesis deals with the principle of material publicity in the context of land law. This principle was reintroduced into the domestic legal system as a part of the recodification of private law. The principle of material publicity (the protection of public good faith) has restored a faith in records in public registers, thereby providing protection to an acquirer in good faith who may acquire a property from a non-entitled person under certain legal conditions. With the adoption of the Civil Code, a case-law dispute between the Constitutional Court and the Supreme Court was settled and the principle *nemo plus iuris ad ali transferre potest quam ipse habet*, which the previous regulation consisted in, was broken. However, the legal effects of material publicity do not work indefinitely, but under certain conditions. A significant part of the thesis is devoted to the explanatory problems associated with them. The crucial condition may be to designate a good faith on the part of the acquirer, which must be assessed in the light of all the circumstances of the case, i.e. objectively. The thesis also includes an analysis of the relevant judicial decisions of the Supreme Court of the Czechoslovak Republic concerning cases in which the good faith of the acquirer was excluded. Due to the absence of current established case law, the interpretation of the legal concept of good faith must be presumed from earlier decisions. In order to strike a balance between the contradictory interests of the original owner and the acquirer of a real property who is in a good faith, the Civil Code implements a few legal instruments. The note of contentiousness and note of disputability strengthen the legal status of the owner of a real property. Misuse of the effects of material publicity in so-called "real estate theft" cases is to prevent the legal support measures enshrined in the Cadastral Act. The last part of the thesis is devoted to the investigative obligation of the buyer and established practice of scrutinizing of acquisition titles of the previous owners of the real estate, which at first glance seems to be redundant due to the introduction of the principle of material publicity. The purpose of the thesis is to analyse the current legal regulation of the processed topic with a focus on its imperfections, including considering the applicability of the case law according to the previous regulation to the current legal situation, and evaluation of its overall effectiveness.