

Abstract

This diploma thesis deals with the currently effective legal regulation of the formation and termination of marriage in the Czech Republic, contained in Act No. 89/2012 Coll., The Civil Code and in other related regulations. For writing this thesis was used many books, professional literature, case law and other sources which are mentioned in the list of literature and sources. The aim was to provide a comprehensive knowledge of the issue of the creation and termination of marriage in three thematically structured parts. The aim of the thesis is further defined in its introduction. The fulfilment of the aim and other results are presented in works conclusion.

The first part deals generally with the Institute of Marriage. Its aim is to introduce marriage issues and familiarize with the basic legal knowledge of marriage. It consists of six chapters in which I deal with the concept of marriage, its purpose and the basic principles of marriage law. I also enumerate and summarize the basic sources of marriage law. For a more comprehensive overview, I provide information on the development of marriage and divorce in the Czech Republic and about the rights and obligations between spouses.

The second part deals with the issue of formation of marriage. It consists of seven chapters. Some of them are further divided into subchapters. Because of chronologic sorting the chapter called Engagement is the first. The following is a chapter dealing with marriage, where both civil and church marriages are analysed. Another chapter explains legal obstacles to marriage. However, the most important thing for the moment of marriage is the wedding ceremony itself, which must meet certain requirements to make the marriage validly concluded. In the second part I deal with special ways of concluding marriage, including marriage by a representative, marriage abroad and marriage in the event of a direct threat to the life of one of the fiancés. Failure to comply with all legal requirements may result in marriages being defective, in such cases we are talking about marriages of invalid or even ostensible marriages.

Finally, the consequences of the marriage, such as the creation of a legal barrier to the conclusion of another marriage, the creation of a paternity presumption, and others, are dealt with in this section.

The last part bears the name "Termination of Marriage" and includes the individual ways of marriage extinction. At first, the marriage is terminated by the death of one of the spouses, including the statement of the spouse for the dead. The following chapter deals with the termination of marriage by changing the sex of one of the spouses.

The last way of marriage termination is divorce. In several subchapters, the issue of divorce is complexly solved, including the reason for the permanent and irreparable disruption of spouses' cohabitation, differences of the divorce with detection and without finding out the causes of the disruption or the process of divorce. Finally, the consequences of marriage termination are also settled, namely surnames, alimony, property rights and obligations and housing after marriage termination.