

## **Abstract**

This diploma thesis “Disturbed possession“ deals with the theme of possession and its protection against disturbing. Possession as one of the basic institutes of law has seen several changes in its legal concept on the territory of the Czech Republic in the history. The Civil Code no. 89/2012 Coll. has brought the concept of possession and its protection which is based on the concept of the doctrine of law science from the First republic. As this „new“ concept is discontinuous with the previous concept of the Civil Code no. 40/1964 Coll. interpretation and application of this new concept will be rather complicated. This thesis firstly tackles the theoretical concept of possession – i.e. what the object of possession is, how the possession is acquired, lost and retained, what qualities there are of lawful possession, who can be the subject of possession. The second part of the thesis describes the historical development of the concept of possession. The last part of the thesis focuses on how possession is described in Civil Code no. 89/2012 Coll. In this part of the thesis characteristic features and nature of trespass are described. This problematics is also mentioned in the view of the Austrian civil law.

### **Key words:**

Possession, lawful possession, protection of possession, disturbing possession, civil proceedings – possessory case, judicial proceedings.

### **Název práce v angličtině:**

Disturbed possession