

## **Administration of the community property under the statutory regime**

### **Abstract**

The community property is a fundamental institution of matrimonial property law arising between the spouses *ex lege* as a consequence of the marriage. The basic feature of this type of property plurality is the absence of co-ownership shares. Each spouse thus owns the entire value of the community property and is limited in his or her disposition of it by the equal rights of the other spouse. The spouses thus act as a single person towards third parties in legal dealings concerning parts of the community property.

The goal of this thesis is to critically analyse the current legal regulation of the administration of the community property in the statutory regime and the property law institutes related and to point out and provide my own insight into situations for which we still do not have clear solutions.

The thesis first focuses on the history of property relations between spouses and their development into their present form. Then the question of the concept of community of property and the values that constitute its content and how they become part of the community of property is addressed. Next, the thesis discusses the issue of administration of the community property in both ordinary and extraordinary matters and provides an explanation of how to determine which of these forms of administration is involved in a given legal action. The issue of the use of part of the community property for the business of one of the spouses or the acquisition of a share in a business corporation and the administration of the share so acquired is also addressed. Attention is also paid to certain related property law institutes, such as the family home and its usual equipment and their relationship to the community property. Finally, the thesis deals with the protection of third parties and its relation to the protection of the omitted spouse in matters of extraordinary administration of the community property and the institutes which provide such protection, such as public lists or acquisition of property from an unauthorised person.