

Abstract

Rights in rem in Czechoslovak Law 1964-1990

This thesis aims to provide a comprehensive description of the regulation of rights in rem in Czechoslovak law between 1964 and 1990. The thesis is devoted to the description of the legal regulation of rights in rem in Czechoslovak law between 1964 and 1990, as well as to the historical background of the emergence of this legal regulation, the theoretical foundations of the regulation of rights in rem, their place in the system of Czechoslovak socialist law, as well as their analysis by socialist jurisprudence (including specialized contemporary literature), as well as a description of their use in practice. This thesis also deals with socialist legal substitutes replacing some rights in rem, which are close to these rights in their character and use. The thesis was prepared using the method of description and analysis of normative texts, texts of specialized literature (legal and ideological) and case law in conjunction with the analysis of these texts and their possible comparison.

The introduction of the thesis contains an analysis of the legal institute of rights in rem and their concept in the system of socialist law, both in the broader system of socialist body of law (i.e. the legal orders of the socialist bloc countries) and in the system of Czechoslovak socialist law, including a description of the influence and significance of Marxist-Leninist ideology on this part of the law. The focus of the work is the analysis of the regulation of rights in rem and similar socialist institutes in the Civil Code of 1964 (Act No. 40/1964 Coll.) as amended before 1990. The text of the thesis also compares the original text of the Civil Code with the 1982 amendment. The thesis also includes an analysis of the regulation of rights in rem in the 1963 International Trade Code (Law No. 101/1963). The analysis of the key provisions of the 1964 Civil Code and the 1963 International Trade Code is based on contemporary commentaries, legal textbooks and relevant case law, resulting in a comprehensive analysis of the legal regulation of rights in rem, supplemented by a theoretical analysis of the background and doctrine of rights in rem in the examined time period.

The thesis concludes by describing the gradual return to the traditional perception of rights in rem after the end of the socialist regime in Czechoslovakia.

Keywords

Rights in rem, socialist civil law, personal ownership, ownership, possession, easements, pledge, retention right, restrictions on the transfer of real property, personal use, personal use of land, Civil Code, International Trade Code