

# **Selected actions of the spouse beyond the ordinary administration of the community property**

## **Abstract**

This thesis analyses the administration of the community property of the spouses, with a closer focus on cases of the spouse's actions going beyond the regular administration of the community property and the related protection of the other spouse. Considering recent Supreme Court decisions, the topic is both timely and closely related to the question in today's society as to whether the current community property legislation motivates or discourages couples from marrying. The increasing number of unmarried couples raises questions about the sufficiency of protection of marital property and its legal regime. I try to look at the topic mainly through the eyes of current case law and practice.

The initial chapters of this thesis deal with general issues of community property, ordinary administration and its settlement, including the disparity of shares. This basic overview is necessary to understand the following analysis of the protection of the spouse in connection with the administration of the community property, which goes beyond the ordinary administration.

The central and most extensive part of the thesis is devoted to the issue of the protection of the community property itself in situations where the spouse does not act in accordance with the law. In this part, I focus, for example, on the institution of relative nullity, specifically its legal definition and practical application, considering its disadvantages and benefits.

Furthermore, the thesis focuses on the issue of excessive use of property within the community property, where I analyse the spouse's defence options in such cases and explain why a claim for unjust enrichment cannot be made in such situations. This is followed by a detailed analysis of the issue of diverted assets, which is highly complicated, not only in terms of legal assessment, but above all in terms of proving. In this section, I also do not forget to define the basic possibilities of protection of the spouse in the form of various legal instruments.

This comparison demonstrates the different legal regimes in which unmarried couples live under joint ownership as opposed to spouses under community property.

## **Key words:**

community property, protection of the spouse, administration of the community property