

# **Abstract**

## **Proceedings on marriage divorce**

This diploma thesis describes the proceedings on marriage divorce. I chose this topic because I consider it up-to-date and practical, in particular taking into account that nowadays almost every other marriage ends with divorce. The thesis aims to explain and analyze the legal regulation of this institute.

The proceedings on divorce are currently regulated by provisions of the Act No. 292/2013 Coll., on Special Judicial Proceedings (and previously regulated Act No. 99/1963 Coll., the Civil Procedure Code) adopted within the process of recodification of the private law in year 2014 which also included adoption of the Act No. 89/2012 Coll., the Civil Code that stipulates legal conditions of marriage divorce with respect to the substantive law.

The thesis is divided in four chapters. I believe that this structuring is important for comprehensive understanding of this institute. The introductory chapter defines the basic concepts that are fundamental to the subject of this thesis, i.e. the concept of marriage and divorce. This chapter also contains current legal regulation of divorce proceedings in the historical context.

The second chapter describes marriage divorce with respect to the substantial law. It analyzes the substantive conditions of marriage divorce and divorce models which are the divorce with the determination of the causes of the disruption of the marriage, divorce without determining the causes of the disruption of the marriage and marriage divorce with "moderating" clause.

The third and the most important chapter of the work first deals with the differences between the contentious and the uncontentious proceedings, and the nature of the divorce proceedings. After that the divorce of marriage with an international element, in particular within the European Union, and the process of recognition of foreign judgments in divorce proceedings in the Czech Republic are explained. The chapters further describes the course of proceedings and the various marital divorce institutes, which are contained in Act No. 292/2013 Coll., on Special Judicial Proceedings.

The last chapter describes the institutes that are similar to marriage, i.e. registered partnership, cohabitation, or *de facto marriage*, and ecclesiastical divorce. Considering the topic of this thesis, the last chapter deals mainly with abolishment of these institutes.