Abstract

This diploma thesis deals with a comparison of two civil codes. Statute number 40/1964 Sb. and statute number 89/2012 Sb. The law science speaks generally in connection with passing of statute number 89/2012 Sb. about recodification of private law.

The term of recodification does not mean only adjustment of legal text in more elegant and especially more systematic way, but also removing of some problems in the legal order. The civil code from 1964 was created in another social circumstances and therefore the legal public hoped with passing of statute number 89/2012 Sb. for removing of some defects in civil law. These defects were caused by the selected method, the law should have adapted through this method to new social circumstances.

This diploma thesis compares family law (as institute) according to legal order, which was in force before and after the day of 1. January 2014. The conception of family law before this date, so according to the civil code from 1964, arose at the time of intellectual peak of socialism and the task of this thesis is to find, where the family law was moved by the new civil code.

From the reason that the whole family law would be too extensive topic for research within one diploma thesis, this diploma thesis deals only with research of one small part of family law, that is holding of community property of spouses (before 1991 the term of community property did not exist, originally there was undivided joint ownership of spouses).

The diploma thesis reveals how far the legal arrangement of keeping of community property of spouses was moved during the half of century. To catch this process with the highest accuracy and understanding, the diploma thesis contains the unusual extensive analysis of historical legal arrangements regarding this topic. It is historical necessity in case, when the legal order deals with the arrangement of family, to deal more under development of society with the arrangement of property which belongs to the family (including obligations).