

Abstract

The aim of the diploma thesis is to provide a description and analysis of the current legal regulation of easements in the Czech Civil Code, especially with regard to its sources of inspiration in the form of the General Civil Code and Government draft of the Civil Code of 1937. The diploma thesis focuses on problematic issues of current legislation, including interpretive methods of their removal and proposals *de lege ferenda*. The first chapter generally characterizes the easements and describes their theoretical division. The second chapter deals with the historical development of the institute of easements. The concept of servitude in Roman law, which played a key role in shaping the following legislation, is discussed. A treatise on the General Civil Code and the Government Draft Civil Code of 1937, on which the current legislation is mainly based, is published. Attention is also paid to the civil codes adopted during the communist era in 1950 and 1964, which deviated from the traditional concept of easement. Problematic provisions of these legal regulations are analyzed in selected places. The focus of the diploma thesis is the third chapter, which deals with the analysis of the current legal regulation of easements. The definition of easements, their scope and content, subject and methods of protection are discussed. The following subchapters deal with the creation of easements, the legal relations arising from them, selected land and personal easements and the ways of termination of easements. This chapter points out the problematic areas of current legislation, possible reasons for their emergence and ways to eliminate them. Relevant case law created both during the period of effectiveness of the current Civil Code and previous Civil Codes is taken into account. The last chapter deals with the regulation of services in England and Wales. The Czech and English legal regulations of easements are compared in selected areas.