

Název práce v anglickém jazyce

Marriage from the point of view of civil and canon law

Abstract

Marriage is an important legal institution that affects a large number of the population. Marriage as we know it today evolved out of church marriage, and it is not only because of this that the two types of marriage that exist side by side with mutual respect for each other today are very similar in many ways. The purpose of this study is to describe and analyse the two types of Marriage, compare them to each other, and make comparisons with a focus on the variations between the two marriages. The objectives and purpose of the study are stated in the Introduction and the success of the objectives in the Conclusion.

In the first part (chapters 1 and 2), the author focuses exclusively on civil marriage, from its historical development and legal sources, through the phase preceding the formation of marriage and the wedding ceremony representing the creation of marriage, to its dissolution. A significant part is also dedicated to the procedural aspects of divorce procedure, which represent a completely special type of civil procedure.

The second part of the work, consisting of Chapters 3 and 4, deals with marriage under canon law. The content the second part of the study corresponds to the first part of the work, following the same procedure, i.e. firstly, the historical development and sources of the legal regulation, then the formation of marriage, including the phase preceding the formation of marriage, and last but not least the dissolution of marriage under canon law. Again, the procedural aspects are regulated, but this time for annulment procedures since canon law does not recognise the term dissolution of marriage.

The third part (Chapter 5) is focused on a comparison of the two types of marriage that are currently allowed by Czech law. Special attention is given in this part to the differences between both types of marriage. For the sake of clarity, this chapter is divided into several subchapters, in which marriage under civil law and canon law in the phase preceding the formation of marriage is compared, then the act of marriage itself is compared, and in the third subchapter the dissolution of marriage under civil and canon law is compared. A special subchapter compares the procedural aspects of the divorce of marriage under civil law and the

various procedures under canon law, with a particular emphasis on proceedings for the nullity of marriage.