

## **Abstract**

### **Title: Trust as a legal implant**

Subject of this thesis is a trust and its implementation in the Czech law. The fundamental question behind this thesis is whether it is possible to successfully implement common law trust in continental legal systems. In recent decades, a number of new legal institutions have appeared in Europe, falling into the category of so-called fiduciaries, which fulfil the functions of a trust. Therefore, it is appropriate to assess how to incorporate this institution into our law so that it does not disrupt the local legal system and at the same time does not lose its elementary attributes.

The first chapter is focused on historical forms of trust in Europe, starting with Ancient Rome, through the Middle Ages to modern fiduciary forms in Czech law.

The content of the second chapter is focused on a comparison of foreign forms of trust. In the first part, an analysis of the legal regulation of the common law trust and its historical predecessors is processed and a comparison is made with historical European trust forms. Other parts deal with the study and comparison of the current trust structures of some European countries, namely France, Germany and others.

The subject of the third chapter is an analysis of the legal regulation of the trust of the Canadian province of Quebec, which has served as a model for the Czech trust, including its historical context.

The fourth chapter continues the discussion of the Quebec trust, describes in detail the Czech regulation of the trust and evaluates its success. Throughout the chapter, a comparison of the Czech regulation of the trust with the Quebec model is made.

The fifth and sixth chapters focus on specific aspects of trust management. The subject of the fifth chapter is an analysis of some issues that appeared during the period of existence of trusts. The sixth chapter addresses some practical aspects of the operation of trusts, namely in the area of family and inheritance law and the issue of the protection of the rights of third parties in relation to trusts.

The conclusion brings an evaluation of the legal regulation of trusts and the success of their implementation in Czech law. It also includes an assessment of the basic question, what is the role of trusts or fiduciary forms in continental legal systems and how to incorporate them in the local context.

**Key words: Trust, continental legal system, common law**