

The insurable interest in Czech and French law

Abstract

My diploma thesis deals with the concept of insurable interest in Czech and French law. Since insurable interest has been newly included as one of the conditions of validity of an insurance contract by Act 89/2012 Coll., Civil Code, this concept has become the subject of many academic debates, articles and books. However, insurable interest is also a concept that appears not only in private law but can also be found in public law.

The insurable interest is not only one of the conditions for the formation and existence of an insurance contract between the insurer and the policyholder, but also expresses the relationship between the insurer and the insured things or persons.

The comparison with French law does not only compare the concept of insurable interest, but also the individual insurance sectors and the individual sectoral rules related to this concept, as well as the specific types of insurance. The thesis is therefore not limited to private law provisions, but also deals with fleet insurance, its types and the relationship of insurable interest to each type of fleet insurance, as well as the regulation of insurance distribution and reinsurance, the relationship of insurable interest to this regulation and the implications of EU harmonisation in this area.

At the same time, the diploma thesis adds a historical overlap, analysing the different legal regulations of the insurance contract from the period of socialist state system to the present day, and discussing how insurable interest was conceptualised in each act, whether it existed in the legal regulation, and what the consequences of its absence would be for the insurance contract as a whole.

In comparing the Czech and French legal systems, it is possible to find many similarities, which is primarily due to the EU's harmonisation efforts in the insurance sector, but it is also possible to find parts that are different in the different legal systems. These include, for example, the concept of fleet insurance or cases where the insured person commits suicide.

Klíčová slova: insurance, insurance contract, insurable interest