

Legal development of marriage in the Czech Republic

Abstract

This thesis deals comprehensively with the individual regulations of marriage, i.e. the process of marriage in the Czech Republic. The first part of the thesis is devoted to historical regulations, starting with marriage in the originally common society and then Slavic marriage customs, Catholic regulation of marriage, subsequent changes under Maria Theresa and Joseph II, especially the regulation in the ABGB, the First Republic regulation in the Czechoslovak Divorce Act 1919, changes under the Protectorate of Bohemia and Moravia and finally the regulation in the communist family codes, respectively the Family Law Act 1949 and the Family Law Act 1963 including subsequent amendments.

At the end of the first part, there is both an evaluation of the individual regulations and an analysis of which institutes are repeated through the history of marriage and which have not outlived their time or are no longer relevant in today's society.

The second part of the thesis deals in detail with the legal regulation of marriage in the Czech Civil Code and the related regulation in the Czech Registry Act. In particular, the definition of marriage, the eligibility to marry, the issue of prenuptial proceedings, the marital declaration of the spouses including the formation of marriage, both forms of marriage, and special ways of marriage. The thesis also includes the regulation of registered partnership and compares it with the regulation of foreign countries with a closer focus on the countries neighbouring the Czech Republic, i.e. Germany, Austria, Slovakia and Poland.

The end of the second part compares the current regulation with the historical ones and points out from which regulations the current one was inspired. It also looks at potential changes that may occur in the future, such as same-sex marriage or the digitisation of the prenuptial proceedings. Similarly, there is an analysis of further changes that might occur in the future in the area of marriage as a result of liberal loosening, such as the possibility of group marriage or lowering the permissible age of marriage.

Key words:

Marriage, process of getting married, legal development of marriage