

# **Islam and the legal system of the Czech republic in the context of changes at the beginning of the twenty first century**

## **Abstract**

The theme of this diploma thesis is Islam and the Czech law in the context of the changes at the beginning of the 21st century. The aim of the thesis is to evaluate the mutual compatibility of Islamic and Czech law.

The introduction points out the fact that Islam is the fastest growing religion in the world. The first chapter introduces Islamic law, investigates its main characteristics and roots. The following chapter compares the chosen legal branches. The thesis tries to identify the points of conflict between Islamic and Czech law and cites concrete examples. In the realm of religious freedom, the thesis concludes that by the reason of the determination of punishment for apostasy from faith and the absence of equal access to persons of different religious beliefs, or to persons without faith, the Islamic legal legislation is not compatible with the Czech legal legislation. The thesis also examines from both views the area of private law legislation, concretely the family law legislation, the inheritance law, and the law of obligations. In the area of family law, the thesis concludes that the Islamic legal legislation is not compatible for the reason of the unequal status of women, with Czech law. Likewise the Islamic inheritance law is inconsistent with the principle of equality, and therefore even here compatibility does not arise. The thesis however allows, that some of the effects of the Islamic law legislation could be evaluated as acceptable by the Czech legal legislation. In the realm of the contract law the thesis concludes that here, with certain limits, compatibility arises. The thesis also examines the area of public law legislation, and concludes that here the Islamic law and the Czech legal legislation are incompatible. It also examines particular cases, which were the subject of Czech court decisions. In the last chapter the thesis delves into Austrian legal regulation, as the possible inspirational source for the eventual modification of Czech legal legislation. Particular attention is devoted to the law from 1912, which was also historically valid in our territory, as well as the law about Islam from 2015. The thesis concludes that in the case of the necessity of the amending of the current Czech legislation, the new law about Islam from 2015, represents an appropriate source of inspiration.

The conclusion summarizes the findings of the individual chapters and proposes the subject for the further investigation of the compatibility of the Islamic and the Czech legal legislation.

**Keywords: Islamic law, Compatibility, Islamgesetz**