

ABSTRACT

Thesis focused on: Animal in the regulation of the Civil Code.

The work is focused on the current status of animals in civil relations after the entry into force of the new Civil Code. The aim of the work is to map the historical development of the position of the animal from the point of view of private law, going back to its roots - to Roman private law, as well as to examine the influence of the norms of public law or other legal branches on this position.

Subsequently, using the analytical and evaluation method, the institute of dereification of animals in the new Civil Code and related theoretical as well as practical pitfalls are examined in detail, especially the definition of an animal within the community of organisms or the impact of dereification on the legal regime of animals compared to things in the legal sense. The method of dereification in selected European states is also presented using a comparative method, and current European legal trends are traced along with it.

The position of the animal is then further examined in connection with its occurrence in the area of absolute property rights. Specifically, the property right to an animal, its content, acquisition and encumbrances related to animals are examined. Using the analytical method, theoretical, interpretative, practical or other risks resulting from the current legislation are identified and their possible solutions are provided. On the above, the fundamental influence of public law standards is presented, which, although their application is independent of the application of private law standards, modify the status of animals to a large extent.

Keywords: animal in the Civil Code - dereification of an animal - ownership right to an animal - acquisition of ownership right to an animal - encumbrances related to animals