

Abstract

Settlement of matrimonial property – selected issues

The topic of the thesis is selected issues of the settlement of matrimonial property. The aim of the thesis is to describe the current legal regulation of the matrimonial property and the settlement of matrimonial property and to analyze in more detail two selected problems related to the settlement of matrimonial property. The thesis further aims to analyze legal opinions appearing in the legal literature and in recent court decisions and offer possible solutions on selected problems.

The first part of the thesis is devoted to matrimonial property in general, the definition of matrimonial property, the defining features of matrimonial property and the creation of matrimonial property. The content of the matrimonial property is discussed in more detail in relation to the assets and liabilities that may become part of the matrimonial property. The first part of the thesis also describes regimes to which the property regime between the spouses may be subject, namely the statutory regime, the contractual regime and the regime established by a court decision.

The second part of the thesis on the settlement of matrimonial property focuses on the reasons for settlement of matrimonial property, i.e. the dissolution, annulment and reduction of the matrimonial property, and the various methods of settlement of matrimonial property, namely the settlement of matrimonial property by agreement, court decision and on the basis of a legal presumption, and the protection of third parties in the settlement of matrimonial property.

The third part of the thesis deals with two selected issues related to the settlement of matrimonial property. The first of the selected issues is the valorization of contributions within the meaning of Section 742(2) of the Civil Code. The valorization of contributions is firstly analyzed in general terms in the light of the current and repealed legislation, and then the current case law of the Supreme Court on the valorization of contributions and the case law of the Constitutional Court are analyzed. The second issue is the interpretation of the term “profi” within the meaning of Article 709(2) of the Civil Code. This part of the thesis focuses on the specific question of whether the term profit can also be understood as an increase in the value of property owned exclusively by one of the (former) spouses and seeks an answer in current and non-current legal literature and court decisions.

Key words

Matrimonial property, settlement of matrimonial property, valorization of contributions