

## **8 LEGAL ADJUSTMENT OF RELATED OWNERSHIP IN CZECHOSLOVAKIA FROM 1945 UNTIL 1989**

During our lifetime we all encounter the question of Personal Ownership. It's implication on the lives of individuals as well as on the society as a whole is often quite profound.

The turbulent history of the Czech lands has had a major impact on the development of the civil law and within it's framework on the Law of Ownership.

The pupose of my thesis is to research and analyse these dramatic changes and modifications within the judicial system in Czechoslovakia during the communist era between the years 1945 and 1989. In particular I shall focus on how the comunist regime adapted and eventually changed the Property Law and within it the Law of Personal Ownership in order to suit the new political ideology.

This was a greatly complicated period, full of changes which were reflected in many new legal rules and regulations. I would like to concentrate on those which in my view were most significant and most important. I shall also explore the historical, political and economical circumstances during which these changes occured.

I shall aim to examin and to investigate how some of the constitutional and legal changes happened and why this finally led to almost total disregard of the citizen's rights to private ownership.

By studying the Legal History of the 20th century in Czechoslovakia, I hope to find a better understanding of the injustices changed particularly in the area of the Law of Ownership.

The Thesis is composed of six chapters, which deal with successive changes in Legal system in post war Czechoslovakia.

In the first part of my Thesis I am dealing with the Historical review of the Legal development until 1945 regarding the property ownership.

In the second part I present the dramatic changes in the Legal order and it's consequences on the property ownership.

The attempt of the post – war government to solve the Property Ownership was a difficult task.

President Eduard Beneš insisted on the confirmation of the pre – Munich concept of the Legislation and application of judiciary principles founded at the beginning of the „first republic“ in 1918. However after the end of the 2nd world war he and his government had to seek the legal solution to the injustices inflicted on the population during the German occupation. That meant to repeal some laws established by occupying forces.

So called „Beneš's Decrees“ attempted to solve the problem of the property ownership involving the German and Hungarien nationals as well as the traitors and collaborators. This process started to be undermined by the Communist party very easily on. They were pushing for a wide nationalization of the property and land by the state and for the nil compensation. In this they have not succeeded at least for the time being. However after the Communist takeover in 1948 the Beneš's Decrees guarantees of compensation were not observed.

The fundamental change in the Property Law was the first violation of law committed by the state against it's own citizens.

The nationalization and many consequent Communist government regulations fundamentally changed the structure of private ownership in post – war Czechoslovakia. As the consequence, the state became the prime owner of the factories and many facturing structures etc. The further revision of the Land reform resulted in the state's ownership of the most land in Czechoslovakia. According to the new, so called „9th of May“ constitution, the socialist ownership meant the ownership by the state.

The following years, until 1989 the Communist regime continued in it's effort to distance it's concept of Civil law from that of the traditional european „ius civile“.

The ownership rights of the individual were disregarded and the state became the sole regulator of the lives of its citizens.

The Legal History of post – war Czechoslovakia reflects the impact of the Communist ideology on the previously democratic Legal order.

The long and systematic move away from the western democratic concept of the Civil law achieved the shift in the attitude and thinking of the population and led to a general disregard to private ownership.

Klíčová slova: Vlastnické vztahy

Related ownership