

Abstract

This thesis is focused on legal capacity of minors. The main issue is an extent and circumstances under which minors are legally incapacitated to oblige themselves and to influence their own legal relationships. The thesis is divided into four main parts.

The first part is focused on general definition of legal capacity and the basic concepts of dealing with limited legal capacity.

Second part is dealing with evolution of legal capacity from the foundations set by roman law, it's development on Czech territory to the approval of recent civil code and development in Germany.

Third part contains an interpretation of German legislation. I pursue the German legislation first because it is very sophisticated and provides us with plenty of vantage points on different aspects of the Czech legislation. The part dedicated to the German legislation subdivided into two chapters, where the first one focuses on general characteristics of the legislation and the principle of graduated legal capacity of minors and the second part deals with minors without legal capacity and minors with limited legal capacity.

In the fourth part the Czech legislation is analyzed. First I focus on consideration of minors' capability to act independently with legal effects, then on evaluation of nature of legal acts, representation of minors and consequences of legal acts of unqualified entities and I compare it to the German legislation. The final chapter of the fourth part is focused on possible *lex ferenda* legislation and a draft of the new civil code.

The final part contains short summary and comparison of both German and Czech legislation from different points of view.