

Abstract

The diploma thesis, *Selected Problems of Maintenance with Particular Focus on Good Morals*, deals with legal matters of maintenance mainly in connection to the aspect of good morals (*boni mores*) which represents the principal of equity and is the moral extension of legal provisions under the law of the Czech Republic. The purpose of the thesis is to identify the most frequent issues that are being dealt with and describe their legal solution in accordance with the legislation valid and effective till the end of 2013 and under the new legislation after the recodification of the Czech civil law, effective from the 1st of January 2014. The doctrine of *boni mores* and legal provisions regarding maintenance have both met some changes in terms of interpretation and application since the recodification. Maintenance and good morals are researched together, they are researched one in connection to the other one, in this diploma thesis because the previous legislation established a special linkage between them which resulted in a considerable amount of case law that needs to be revisited.

The thesis is divided into 5 chapters which are further divided into subchapters.

The first chapter is focused on the theoretical basis of the doctrine of *boni mores*, the role it plays in the Czech legal system, the meaning it has for the Czech legal theory, the broad research of the concept of *boni mores* including the historical development since Ancient Rome. This chapter is further focused on good morals and other ethical and moral forms of extra-legal regulation throughout the Czech legal history. Despite of the long tradition of good morals in the continental law background, the Czech legal system is quite specific in terms of several examples of legal discontinuity.

The second chapter deals with the concept of maintenance under the Czech law. Crucial terms such as the duty of maintenance and the right to maintenance, a child, a parent, a husband and a partner are explained in this chapter and so is the nature of maintenance, its theoretical basis and historical development.

The third chapter introduces several types of maintenance duties recognised under the Czech law. Each of them is explained regarding its specifics and especially the relevant subjects or parties to the problem. The most important types of maintenance duties are the maintenance duty between a husband and his wife and the maintenance duty between parents and their child.

The fourth chapter looks into selected issues of maintenance from the moral point of view and it lets the doctrine of *boni mores* collide with selected portfolio of situations, many of them based on the status of adult children, often students.

The last chapter focuses on abuse of rights in connection to maintenance claims. The prohibition of abuse of rights is confronted with the doctrine of boni mores and it is introduced how do they work side by side under the Czech law, the general explanation is followed by examples.