

# **Law of lien in historical retrospection (especially in real estate matters)**

## **Abstract**

The diploma thesis deals with the historical development of the lien law. The introduction to the issue is devoted to the roman law concept of lien law, as a basic principle of its later formation in central Europe and also in the territory of Bohemia. The following text deals with the right of lien in central Europe from the earliest times to its modification influenced by the reception of roman law with the brief excursion to the reception of roman law. At this point, the reader can recognize a very similar, but somewhat independent, development of lien in central Europe and roman law at the beginning of its development and its stagnation in central Europe. It follows a more detailed analysis of the lien in the Czech lands until the beginning of the 19. th century when the modern civil code of the AGBG began to apply to the territory of most of the Habsburg monarchy (*Cislaitania*). Subsequently the author of the thesis focuses on the legal regulation of pledge law contained in the AGBG, and also by the draft civil code of 1937 to replace the AGBG. The legal regulation of lien was split into AGBG in several parts of the code, the 1937 proposal corrected this deficiency and made the whole regulation of lien easier to understand. Unfortunately, the 1937 code was unacceptable due to political events. Another chapter assesses the unfavorable development of the lien during the bulding of socialism, under the influence of Soviet influence, at first to distortion, later to the complete degradation of the law, which resulted in the absence of contractual lien in the civil code. The discussion on the evolution of mortgage law ends with the analysis of the legal regulation of the lien from revolutionary year 1989 to the civil code of law No. 89/2012 coll. The final chapter focusses on the comparison of the valid legal regulation with the individual parts of the mortgage law of mutual relation and evaluation of the current development.