

Ownership of land and its transfer from the perspective of tax legislation

Abstract

The thesis deals with ownership of land and its transfer from the perspective of tax legislation. The aim of the thesis is to describe tax obligations connected with the ownership of land and with the transfers of ownership of land in the Czech Republic and further to consider the appropriateness of current legislation and its potential changes. The issue of tax regulations related to the ownership of land and its transfer is closely linked to the civil law. Introductory part of the thesis is therefore devoted to the theoretical introduction of the issue with respect to both financial law and civil law. The first chapter defines the term real estate and land. The second chapter describes and overviews forms of transfer of ownership of real estate and shortly also the issue of real estate cadaster. The fourth and fifth parts are the crucial ones with respect to the whole thesis. The fourth part overviews the responsibilities relating to the ownership of real estate particularly with regard to the land tax. In the following subchapters the author describes structural tax elements of the land tax and further deals with appropriateness of the land tax and its potential changes. The author perceives the land tax as justifiable by the general principles of property taxation. According to the author the proceeds of the real estate tax are an important item in the revenue of municipalities. The proceeds contribute to the autonomy of municipalities. The author proposes to change the tax base. The fifth chapter overviews taxes imposed on transfer of real estate, in particular real estate transfer tax. In the relevant subchapters the author describes structural tax elements of the real estate transfer tax and further deals with appropriateness of the land tax and its potential changes. The author does not question the very existence of the real estate transfer tax but lists potential changes of the real estate transfer tax that could reduce the negative impact of tax duty on the taxpayers. Finally the last chapter summarizes findings that are considered as the most important by the author.

Key words: land tax, tax on the acquisition of immovable property, ownership