

# **Abstract**

## **The Concept of a Thing in Czech and Swiss Civil Law**

This rigorous thesis deals with the concept of a thing in the legal sense. The central subject of the thesis is thus the term “thing” while the aim of the thesis is to compare the concept of a thing in the legal sense as compassed by Czech and Swiss civil law. Whereas Czech law considers beside tangible objects also intangible objects, i.e. rights and another things with no tangible substance to be a thing (so called broad concept of a thing), Swiss law considers solely tangible objects to be a thing in the legal sense (so called narrow concept of a thing). The thesis analysis both these concepts and then compares them, besides that it deals with some special objects of civil law, i.e. a living animal, controllable natural forces and securities including those in book-entry form.

The thesis is divided into three chapters: the first chapter deals with the historical development of the term “thing” since Roman law. Besides all legislations that governed this legal term at the area of the contemporary Czech Republic and Swiss Confederation or its individual cantons, the thesis does not omit the most important drafts of civil law codifications that were not passed like the Helvetian Code or a governmental draft of the Czechoslovak Civil Code from 1937.

The second chapter deals with the contemporary legislation of the term “thing” in Czech and Swiss civil law and compares these legislations. Besides that, it compares the concept of a living animal, controllable natural forces and securities regarding the fact that these are also objects of civil law. The thesis does not omit to compare the term of immovable or object of the land ownership regarding the object of the third chapter.

The third chapter deals with the individual rights in rem and the possession as it focuses on the practical impacts arising from the different concepts of a thing in the legal sense on these legal institutes.