

Abstract of the dissertation

Title: **Consensual Divorce**
Author: **Mgr. Radim Kalabis**
Supervisor: **doc. JUDr. Lila Bronislava Pavelková, Ph.D.**
Discipline: **Law**
Study programme: **Civil Law**
School: **Pan-European University**
Department of Private Law

The dissertation deals with the issue of consensual divorce. Conceptually, it is divided into a historical part, a comparative part and a practical part, which includes a proposal for the legal regulation of consensual divorce in the Czech Republic, which is the focus of the thesis, with regard to the existing legal regulation in Act No. 89/2012 Coll., the Civil Code, as amended. In the historical part, the thesis deals with the development of matrimonial law with a focus on the legal regulation of divorce, both in ancient Rome and then in selected European states in the various stages of development from the early Middle Ages to the modern era. This period is characterised by a rigid legal system based on canon law. In these periods, the supervision of marriage and the family is in the hands of the Church. The comparative part of the thesis compares the current legal regulation of consensual divorce, again in selected European countries and, of course, in the Czech Republic. The regulations are compared in terms of the difficulty or length of the divorce proceedings, accessibility, and complexity - i.e. whether they address not only the divorce but also the property aspect and the issue of custody of a minor child. Most attention is given to the French legislation, taking into account the specificities present there. Starting in 2017, France has introduced consensual divorce without a judge, whereby the spouses' divorce agreement is prepared by lawyers and registered under strict conditions by a notary. French legislation provides for this type of divorce even if the spouses are caring for a minor child. The parents' agreement on the care of the minor child does not require court intervention. The French legislation is the most progressive in this respect, which is why the thesis focuses on it in more detail. The proposal for *de lege ferenda* divorce legislation in the final part of the thesis is based on a comparison with the legislation of selected

countries and simplifies the divorce proceedings in the case of consensual divorce to suit Czech conditions and previous experience.