

## **Abstract**

This diploma thesis deals with the topic of judgment by default, or default judgment, the issuance of which is based not on the classic course of proceedings, i.e. the participation of defendant and plaintiff, taking of evidence, argumentation, findings of fact etc., however only on the fact that the defendant failed to appear before a court during first hearing of the case without duly excusing his absence. The purpose of the institute of default judgement is to expedite the decision-making activity of courts. At the same it aims to motivate the defendant to be active in the dispute.

The aim of this thesis is first to analyse and evaluate the current regulation of the judgement by default, which lasted in its current form for almost 30 years without significant changes, including the remedies provided by the Code of Civil Procedure in defense against this type of judgment. In the next section, the thesis concerns the legislation on the default judgment in the Slovak legal system as Slovak civil procedural law has undergone a relatively recent recodification. It is thus certainly necessary to compare how such an important institute is regulated in a legal order that is relatively close to ours. The establishment of the Slovak regulation of the default judgment is followed by a comparison of the two regulations, which also discusses the default judgment by acknowledgement, which is issued by Czech courts if the defendant does not respond to the so-called qualified summons or does not appear at the preparatory hearing without apology. At the end of this thesis, the author presents his *de lege ferenda* contemplations as the current legislation as captured in the Code of Civil Procedure is no longer satisfactory, and its amendment or even better overall revision is necessary, especially in the area of default judgment by acknowledgement. Simultaneously with the *de lege ferenda* contemplations, the proposed amendment to the default judgment regulation is briefly introduced and evaluated in the substantive intent of the new Civil Procedure Code.