

Special types of judgments in civil procedure

Abstract

The goal of my rigorous work is to further examine the special types of judgments in civil procedure, that include judgment by default and judgment by acknowledgement, to evaluate the current legislation of these judgments and to consider possible legislation from a *de lege ferenda* point of view.

The first part of the work shows the reader the basic features of both judgments and their differences from other judgments, as well as with both of these judgments on a generic level.

The second part captures the historical development of a judgment by default and a judgment for acknowledgement from the oldest legislation to the current legislation.

The main third part is devoted to the judgment by default. The first chapter and its subchapters analyze in detail the individual preconditions for issuing a judgment by default, which are the default of the defendant, service of the application, service of the summons, instruction on the consequences of default, absence of reasonable and timely apology, first hearing in the case, proposal of the plaintiff, admissibility, lack of conditions for a judgment for acknowledgement and judicial discretion. The second chapter then focuses on the excusable reasons of default and also touches on the relationship between an application for annulment a judgment by default and an appeal against such a judgment.

Also the main fourth part of the work pictures a judgment by acknowledgement. The first chapter deals with the explicit acknowledgement of the defendant, the second chapter with the fiction of acknowledgement, that may consist in either not replying on a qualified call or not attending a preparatory hearing. The third and last chapter summarizes the preconditions for issuing a judgment by acknowledgement, which are the existence of explicit acknowledgement or fiction of acknowledgement and admissibility.

In the fifth part of the rigorous work we will find out what these two special types of judgments have in common.

The sixth comparative part introduces the reader legislation in the Slovak Republic and compares it with the legislation in the Czech Republic.

The last seventh part looks at the judgment by default and the judgment by acknowledgement from a *de lege ferenda* point of view, critically evaluates the current legislation and suggests possible improvements for the future.

Klíčová slova: judgment by default, judgment by acknowledgement, legal fiction