

## **Procedural Obligations and Procedural Burdens**

### **Abstract**

The thesis focuses on the issue of procedural obligations and procedural burdens that regulate the procedures of the court and the parties in court proceedings. Thorough knowledge of these institutes is essential for the lawful conduct of court proceedings.

The beginning of the thesis focuses on the theoretical aspect of procedural obligations and burdens. In the first part, I introduce procedural obligations, distinguishing between those of the court and the parties, followed by procedural burdens, their distinction from procedural obligations of the parties in the true sense of the word as well as their subdivision. Furthermore, the dualist conception is introduced, as well as opposing conceptions that recognize only the existence of procedural burdens or procedural obligations of the parties.

While the first part of this thesis is purely theoretical, the second part concerns the application of procedural obligations and burdens in civil proceedings according to the current legislation on the adversarial disputable procedure completed by case law and legal theory. Firstly, the focus is on the procedural obligations of the court, then on the procedural obligations of the parties, and finally on the procedural burdens. Each of the sections also examines the consequences of failure to comply with the obligation in question.

The third and final part of the thesis is devoted to a comparison of the existing knowledge on procedural obligations and burdens in disputable proceedings, first with indisputable proceedings, then with the Belgian rules of civil procedure, and finally with the proposed wording of the recodification of civil procedure.

The information has been withdrawn mainly from Czech academic and commentary literature and articles, academic journals, and decisions of the Supreme Court and the Constitutional Court. The work also presents the ideas of prominent foreign proceduralists as well as considerations *de lege ferenda*.

The presented thesis aims to provide the reader with a comprehensive overview of procedural obligations and procedural burdens, firstly from the theoretical point of view, secondly according to the current legal regulation of disputable and indisputable proceedings, and finally to provide a comparison with the proposed wording of the Civil Procedure Code and selected foreign legislation.

Key words: Procedural Obligations, Procedural Burdens, Civil Procedure