

Judicial Review of Decision of the Body of a Legal Entity

Abstract

This thesis contains a comprehensive analysis of the currently effective regulation of a category of proceedings that can be described as a review of decisions of the body of a legal entity. This category includes proceedings for the declaration of invalidity and proceedings for the determination of non-existence of a decision of body of a legal entity. The thesis starts with introduction continues with four main chapters and follows with last chapter dedicated to conclusion.

In the introductory chapters (chapters one and two), the thesis deals with general explanations on the nature of this institute, a brief definition of the difference between invalidity and non-existence (nullity) and the limits of review as to the specific decisions of the body of a legal entity that can be reviewed in this way and from which aspects. Furthermore, the thesis discusses the procedural definition of these types of proceedings under the current effective legislation as non-contentious proceedings (including a brief description of the characteristics of contentious and non-contentious proceedings), including an authorial assessment of the construct of the definition of the status of legal entity specific only to these described proceedings introduced by the Supreme Court's case law. This introduction is necessary for a better understanding of the subsequent chapters of the thesis.

The main part of this thesis, chapter three, is devoted to a detailed discussion of the course of the proceedings constituting the review of the decisions of the body of a legal entity, with reference to the differences between the declaration of invalidity and proceedings for the determination of non-existence of the decision. The thesis emphasises the discussion of the model of setting of the participation and other related issues such as the principles governing these proceedings.

The final part of this thesis contains a discussion of other related issues that are inextricably linked to this topic and therefore require clarification in the context of these proceedings, such as the possibility of reviewing decisions as preliminary questions or the chaining of individual motions.

The final chapter summarizes the previous findings into the author's conclusion as to whether the proceedings should continue to fall under non-contentious proceedings or, on the contrary, under contentious proceedings.

Key words:

Invalidity of decision of the body of a legal entity

Non-contentious proceedings

Law on special court proceedings