

Guardianship in inheritance proceedings

Abstract

The presented diploma thesis deals with "guardianship in inheritance proceedings". The thesis aims to evaluate the meaning and purpose of the institute of guardianship focused on inheritance proceedings, to describe its legislation and relevant jurisprudence, and answer the question of whether the current legislation on guardianship provides sufficient protection to the rights and interests of persons under special protection participating in court proceedings.

The thesis consists of five parts, including an introduction and a conclusion. The first part focuses on inheritance proceedings, its legal regulation, sources, and the proceedings in the context of the legal system. Inheritance proceedings are defined as non-disputed proceedings, and a comparison between non-disputed and disputed proceedings is also given. This part explains the court's jurisdiction, the preconditions, the proceedings' initiation, and the notary's role as a court commissioner. The course of the entire inheritance proceedings and the decisions issued in the proceedings are also described.

In the second part, the participation in civil court proceedings is discussed. A general explanation of procedural entities, preconditions for participation such as procedural capacity and capacity to be a party, and participants are explained. It also deals with comparing participants in disputed and non-disputed proceedings. The end of this part is focused on the participants of the inheritance proceedings and the legal institute of the heir.

Finally, the issue of guardianship in inheritance proceedings is comprehensively presented in the third part. It is important to define guardianship and its regulation in the Civil Procedure Code as well as regulation in the Civil Code. Attention is also paid to the comparison of the relevant institutes with the legislation in Slovakia. The three types of guardians appointed by the court commissioner in inheritance proceedings are described: the heir's guardian, the special guardian, and the guardian in special cases. This part further deals with persons appointed as guardians. In the end, delivery in court proceedings is also discussed. The text is focused on an explanation of terms and institutes relevant to the given provisions and is supplemented by an analysis of specific inheritance proceedings in which a guardian was appointed.

Keywords:

Guardianship, civil court proceedings, inheritance proceedings.