

# **Procedural legal means of protection of persons under special protection in probate proceedings**

## **Abstract**

The thesis offers an insight into the issue of persons under special protection in probate proceedings. The aim of the thesis is to describe and analyse this issue and to provide an answer to the question whether the current legal regulation is appropriate and effective. The very notion and its content is not without expert debate, let alone the institutes that are provided by the legislator to protect the rights of certain statutory groups of parties to probate proceedings. The issue is not only a theoretical one, but above all a practical one, which is why this thesis includes a practical part.

The thesis is divided into three parts. The first one is devoted to the concept as such. It discusses the way in which the concept is expressed legislatively, but also the aim and intention of the legislator, which, however, is nowhere explicitly stated. Then the different groups of persons who, according to the legislator, fall under the concept are described and analysed. Last but not least, I give my *de lege ferenda* reflections on the content of the concept.

The second chapter deals with the individual means of protection provided by the legislator as special protection. Initially, the thesis deals with the closure of the decedent's estate, then the institution of the inventory of the estate, which is one of the main means of protection of persons under special protection, is discussed. Lastly, I discuss the representation of persons under special protection as one of the means to ensure the proper exercise of the rights of persons under special protection.

The entire third chapter is devoted to the questionnaire survey conducted, which could not have been carried out without the assistance of notaries. In the practical part, I respond with most of the questions asked to the controversial areas of the issue of persons under special protection.<sup>1</sup>

## **Keywords**

Persons under special protection

Probate proceedings

Protection of persons under special protection

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<sup>1</sup> Přeloženo s pomocí AI.