

Legal force and enforcement of judgement

Summary

The purpose of my thesis is implicit from its title. My aim is to analyze the legal force and enforcement of judgement. In the thesis, I'm focusing only on judgements that are adjudged in the civil procedure.

The thesis is composed of five chapters. Three of them are dealing exactly with legal force and enforcement of judgement; two spare ones are dealing with related topics.

In the first chapter, which is subdivided into two parts, I'm briefly explaining the concept and the purpose of the civil procedure, and judgement and its effects.

In the second and third chapter I'm explaining the gist and the function of the legal force in the civil procedure. The whole analysis of the legal force of judgement is based on so called procedural theory of legal force, which is shortly explained as well. But what is the most important, as to the content of second chapter, is the division of the legal force into formal and material legal force (as two sites of one legal institution, which is legal force). I'm explaining what both these sites of the legal force and their effects mean. I qualified formal legal force as definitiveness of judgement and the material site as the irrevocability and binding force of judgement. All of these effects can apply only within the civil procedure. Then, in the third chapter, I'm analyzing the situations, when the effects of the legal force can apply (what are the „bounds“ of the legal force).

The third chapter is dealing with the enforcement of judgement. First of all, it explains the meaning of the term, and its importance. Then I focus on various methods of the enforcement of judgement, depending on classification of judicial decisions. Again, like in case of legal force, formal and material enforcement of judgement is explained. Afterwards I'm characterizing preliminary enforcement of judgement, and at the end of the chapter, suspension of the enforcement of judgement.

The final chapter relates to rights to remedy and their impacts on the legal force and enforcement of judgement. This chapter explicates the effects of both, regular remedy and extraordinary relieves on legal force and enforcement of judgement.

I utilize several expert publications on topic, as well as several judgements of higher courts (mostly The supreme court of the Czech republic).