

VII. RESUME

Czech civil procedure has already passed a number of legislative changes, but these changes are still not complete. It can, therefore, be reasonable to assume that it will continue to develop further. The changes affecting Czech civil procedure include both material and terminological changes, which are implemented into Czech civil procedure as a result of frequent changes in substantive law or as a result of the regulations and directives of the European Union, which do not affect Czech civil procedure as a whole, but only as one of its individual proceedings. Significant changes in Czech civil procedure occur mainly by amended laws that are either amending the existing presentation of Czech civil procedure, or are newly completing it. These are general changes which do not affect the individual proceedings, but rather change the course of civil adversary proceedings (*in Czech*, *civilní sporná řízení*) in order to achieve greater speed, efficiency and effectiveness.

The judicial system as such, but also taking into account all of the changes that have been made up to the present date, represents a rigid and inherently stable system, an operation of state institutions - courts, which settle individual cases of natural or legal persons by deciding disputes on the right as well as other cases of a different nature. If the court issues a decision in any particular case, the decision is binding in the sphere of persons to whom it is addressed, and these people can enforce the fulfilment of the granted decision through state power. In modern legal systems, each individual has the guaranteed right to judicial protection. This law guarantees everyone the opportunity to go to court if their rights have been infringed or threatened and, at the same time, it is the obligation of the state to provide a course of proceedings so that the law is fairly and properly decided. The right to judicial protection is not a right to the decision of certain content because the decision is formed in the course of the proceedings on the basis of the claims of the litigants and the evidence executed by the court.

Czech civil procedure is generally divided into two basic proceedings, finding proceedings (*in Czech*, *nalézací řízení*) and execution proceedings (*in Czech*, *vykonávací řízení*). Finding proceedings are further divided into adversary proceedings (*in Czech*, *sporné řízení*) which have a repair function (≠ they correct infringements) and indisputable proceedings (*in Czech*, *nesporné řízení*) which have a preventive function, namely to prevent or avoid possible infringement.

Finding proceedings are the proceedings which are the basic level of this work, since finding proceedings lead to the decision of the court through which the court either creates a right or determines what is right. The court's decision, which, in the Anglo-Saxon legal system, is regarded as a source of law - a precedent which alone creates the legal system, is considered only as a certain legal assessment of individual cases in our legal system where the court carries out a more specific interpretation of the rules of law which it specifies and by means of which it basically completes the judicial system. In finding proceedings, therefore, the court issues an authoritative and binding decision that is enforceable through indisputable proceedings.

Whereas the subject of this work is "**Court decision in Czech civil procedure and the case law**", it is clear that this work deals with that part of Czech civil procedure which completes finding proceedings and in the case that an obligation imposed by a court decision is not met voluntarily, it is also the very end of the civil procedure.

The aim of this work is to bring a unified and coherent interpretation of the institute of court decision, its meaning and subject. Any judicial decision is formed and controlled by its individual stages, which affect its formal and content elements as well as its authoritativeness and liability. Therefore, this work discusses the individual stages of judicial decision-making, liability of court by its judgement, legal validity of a judgement and its enforceability. Space was devoted to the definition and characteristics of each type of judicial decision, namely judgement, resolution and order for payment in Czech civil procedure. In view of the fact that our legal system is increasingly influenced by the laws of the European Union, the regulation of the court's decision in the judicial system of the European Union could not be ignored. Finally, the very end of this work briefly summarizes the content of this work and considers "de lege ferenda" possible Czech adaptations to judicial decision in the future, taking into account the influence of European Union law as well as the various means of increasing the efficiency of the Czech civil procedure as a whole.

In the Czech legal system, the regulation of the court's decision is contained mainly in the provisions of Section 152 to Section 175 of Act No 99/1963 Coll., the Code of Civil Procedure, as amended. Therefore, I was focused in particular on the interpretation and analysis of individual provisions. I was engaged in certain contentious or even disputable issues of interpretation of such individual

provisions, in the issues only sporadically covered and in interesting questions that I sought to demonstrate through the use of selected case law, and especially through the case law of the Supreme Court of the Czech Republic and other sources of law, mainly articles from professional legal journals. I have included the case law of Czech courts, in particular for its completing character which represents not only legal, but also an explanatory framework for the general public by which the courts notify in advance which direction and way shall be most likely to interpret a certain similar issue, if they are presented in the context of the institute of extraordinary legal remedies. If it happened that any judicial panel of judges of the Supreme Court arrived at a different interpretation of a certain issue than the panel of judges earlier, the Czech civil procedure includes an adjustment which submits this question to the decision of the Grand Chamber who will decide this question mandatory for the future.

Although no judicial decision is the source of law in the Czech legal system, the authority of the courts who issue them (in particular the Supreme Court and the Constitutional Court of the Czech Republic) contributes to convincing interpretation of certain disputable issues, and it gives at least a certain possibility of the predictability of judicial decision to the public, which helps the operation of one of the most important legal principles, the principle of legal certainty, on which every modern legal system is based.

Název práce / Title of the work:

Soudní rozhodnutí v českém civilním procesu a judikatuře / Court decision in Czech civil procedure and the case law

Klíčová slova / Key words:

Soudní rozhodnutí / Court decision

Druhy soudního rozhodnutí / Types of a court decision

Soudní rozhodnutí v Evropské unii / Court decision in the European Union