

## **Abstract – Special court proceedings (general issues)**

The diploma thesis is focused on the topic special court proceedings. Special court proceedings are a subject, representing one kind of the civil proceedings that is characterized by disposing peculiarities from the general regulations of the civil dispute proceedings. Special court proceedings are governed mainly by the Act No. 292/2013 Coll., on special court proceedings. This act contains the exceptions from the general proceedings regulations and enumeration of the specific special proceedings and its regulation. Also Act No. 99/1963 Coll., civil procedure code is subsidiary used.

This thesis aims to give a comprehensive explanation of the subject of special court proceedings by consistent definition of the subject itself based on use of the several ways of distinguishing it from the civil dispute proceedings. The next target of the thesis is to evaluate the historical development of the mentioned subject and to compare contemporary legislation with the laws applicable during the era of the first republic. Last but not least the thesis contains the analysis of the current legislative, especially the act on special court proceedings, which content and formal aspect of elaboration is assessed. The description of the special court proceedings itself with emphasis on the peculiarities from the general regulations is included. In conclusion the thesis contains an attempt to determine the future development of the topic and to offer own opinion *de lege ferenda*.

Based on the evaluation made academic literature, academic articles, laws and case law used I have drawn a conclusion that the subject of special proceedings can be defined with the use of several various methods of differentiation. With the analysis of the historical development I confirmed the hypothesis that the difference between the civil dispute proceedings and the special proceedings is constantly expanding and new kinds of special proceedings still appear. The description of the special proceedings and its distinctions from the general regulations located in the civil procedure code was made. Act on special proceedings was subjected to a critical review and some deficiencies were reproached.

In spite of these shortcomings the act on special proceedings was evaluated as good and functional and I opted to an opinion that it should not be abolished by planned recodification of the civil court proceedings.