

Collective (group, mass) actions and their trying

Abstract

With regard to both global and national developments, it is necessary to respond to the societal changes brought about by it in the field of private law. One of these changes is also the mass of legal relationships consisting of the existence of a large number of almost identical rights and obligations between one or more entities on the one hand and thousands and millions on the other. In practice, new problems arise, such as overloading the courts, enormous costs of proceedings, recurring evidence, and so on. And these problems represent challenges that institutes of collective rights protection, generally referred to as collective actions, has to cope with. These include group action, representative action, test-case action, public group action, and so on.

The prototype of all these actions is U.S. *class action* with deep historical roots, which has become the most used and the most famous. Also, in many other countries of the world and Europe, collective actions have been introduced in various forms, often inspired by U.S. class action. Collective protection of rights has been unresolved topic without the prospect of a comprehensive legislative framework until recently, but now the situation is different and the civil procedural law will be substantially changed not only in this particular area. Recent legislation is incomprehensive, insufficient and does not provide a reasonable level of protection of civil rights.

The aim of this thesis is to introduce the collective protection of rights in civil law in the beginning, then the historical development and current rules of U.S. class action. The next chapter will be devoted to the analysis of the valid Czech law and the government bill of the Act on Collective Proceedings, in which we will try to find important arguments determining the future form of an appropriate domestic regulation of the enforcement of collective claims compared to the U.S. legislation and interesting approaches from other states. In the final part, we will propose a *de lege ferenda* legislation of collective law enforcement in Czech Republic, which we will theoretically apply and examine its influence on current domestic cases.