

Summary

The thesis topic is Duty of pleading and duty of proof in the contentious civil proceedings. The hereby stated obligations belong to the basic concepts of procedural law. If the interested party fulfils both obligations together with bearing the corresponding burdens, it increases its chance of success in a dispute. Supposing it was inactive, its inactivity might be reflected in the dispute result. My thesis aim was to deal with essential obligations in civil proceedings within eight chapters. In chapter one I mention historical excursus where I introduce how the above stated obligations were adjusted in the previous civil procedural law regulations. It is only an outline of the historical development. Chapter two I briefly devote to the current concept – *de lege lata*. In the subsequent chapter three I deal with the burden of pleading and burden of proof in both types of declaratory proceedings namely in contentious and non-contentious proceedings. Where the contentious proceedings require higher activity of the interested parties in comparison with the interested parties in the non-contentious proceedings. Chapter four is focused on detailed description of both procedural obligations and to them corresponding burdens. Besides other various theories of burden of proof are stated here. And also cases when there is a shift in the burden of proof to the opposing party. Chapter five is focused on civil action but only with respect to the procedural obligations, that is about minimum requirement of the law for the content of the civil action so that the civil action was even negotiable by court and what consequences the irregularities in procedural documents will have. In this chapter I also mention opinions of superior courts to the compliance of the burden of pleading and burden of proof when they still regard both burdens as satisfied. Procedural obligations do not concern only the prosecutor but also the person charged. I deal with these in chapter six. I also state there two forms of the request of the court, which the court can apply against the person charged so that he had opportunity to present his case too. Further I analyse what consequences the person charged will bear supposing he ignores court's request. Chapter seven deals with concentration proceedings as it is undoubtedly connected with the procedural obligations of the civil proceedings. It defines until when the participants can present decisive facts and proposed evidence, and when the court will not take other proposals of the parties into account anymore. With regard to the discussion on reform of the civil proceedings I also mention the future concept of burden of pleading and burden of proof – the concept of *de lege ferenda*. Among other I devote chapter eight to the concentration proceedings from the perspective of *de lege ferenda* which unlike the obligations should undergo a more radical change.

