

Changes in parties in civil procedure

Abstract

This thesis deals with institutes whose goal is to change the party of proceedings in civil procedural law. Whether as a result of action of the parties or an event independent of their will, there may arise situations in the proceedings where one or the other party loses its substantive legitimacy or even procedural subjectivity. The law must therefore respond to these changes in order to ensure the conditions for continuing the proceedings and issuing a judgment on the merits without the need to stop the current proceedings and initiate new ones. However, in order to maintain speed and to prevent the multiplication of disputes, the procedural rights of the parties, in particular the defendant's, must not be unduly affected.

In its first part, the thesis examines the relationship between civil procedural and substantive law and explains individual terms related to participation in the proceedings, which it often uses in the rest of thesis, namely the formal concept of participation and substantive and procedural legitimacy of the parties.

The following four sections then deal with the individual institutes that fall under the concept of 'changes in parties', namely the accession of a participant, the substitution of a participant and the procedural succession as a result of both universal and singular succession in civil substantive law. For each institute it describes its current regulation with its pros and cons and compares it with the historical ones, since 1895, through the 20th century and the codes created under the communist regime to the present. It also includes a view on the regulation contained in the intended new Civil Procedural Code, the adoption of which is currently under discussion. Moreover, it offers the author's views on the most appropriate arrangements and steps to be taken to prevent abuse of these institutes and to protect procedural rights of all involved parties sufficiently.

Finally, the thesis compares the Czech legislation concerning said institutes with the French ones and examines whether some institutes, which the Czech procedural law does not recognize, could and should be transferred over, namely a forced intervention, which only the French *Code de procédure civile* contains.

Klíčová slova (keywords): accession, substitution, procedural succession