

Abstract

Financial arbitrator

This diploma thesis focuses on the institute of financial arbitrator, both from a theoretical point of view, i.e. on the institute of financial arbitrator in the sense of legislation, the meaning of its introduction and issues of proceedings before a financial arbitrator, and from a practical point of view, i.e. on decision-making in individual types of proceedings, whether it is the most widespread agenda of the financial arbitrator, which are disputes over consumer loans, as well as disputes such as loans and similar financial services. Its aim is to comprehensively describe the issue of proceedings before the financial arbitrator and the means used by the financial arbitrator in these proceedings, but the aim is also to point out the individual proceedings, resolving disputes under a specific legal title. Author has set himself the goal of dealing with both the person of the financial arbitrator and the proceedings before the financial arbitrator, but the aim of this work is also to try to bring the decision-making practice of the financial arbitrator closer to the general public.

Author set himself the goal not only to describe the institute of financial arbitrator from a professional point of view and to deal with some legally more complex issues, but also the second goal, which was to present a relatively accessible and comprehensive way to the overall issues in this work, from which the essence of the institute of the financial arbitrator will be easily recognizable.

Author based his work mainly on the legal regulation as such, when analyzing individual provisions of the Financial Arbitrator Act, as well as provisions of other laws forming part of the Czech legal system and closely related to the institute of the financial arbitrator, but also used synthesis methodologies and by using them, he created a comprehensive picture of the financial arbitrator in his work.

Regarding the analysis of proceedings before a financial arbitrator, author again used mainly the provisions of law and dealt in detail with the various stages of proceedings before a financial arbitrator, also based on the use of general legal institutes such as the issue of bias and the obligation of financial arbitrator to follow general legal principles.

Furthermore, author focused on individual types of proceedings. He was still supported by the Financial Arbitrator Act, which exhaustively defines the financial arbitrator's substantive jurisdiction. Therefore, it is necessary to assess with the utmost care whether the problem falls within the competence of the financial arbitrator. Author also made such an analysis with the help of European Union regulations, as individual types of proceedings are to a large extent also influenced by European Union legislation. For example, author dealt with the issue of biometric data and their role in the provision of payment services, but also took an excursion into criminal law and drew attention to the possible criminal consequences of the misuse of means of payment.

In the last part, author focused on comparing some aspects related to the financial arbitrator and general courts. He relied on annual reports and sought to evaluate and consider aspects such as the number of cases that the financial arbitrator resolves annually or on the cost side of the financial arbitrator's activities. General, commonly available data were then the starting point for a number of reflections on the current and future functioning of the financial arbitrator.

The combination of all three parts created a comprehensive picture of the financial arbitrator and his functioning, which analyzes both the legislation and the decision-making practice of the financial arbitrator himself and completes this picture with statistical data from which author draws

for his considerations on the functioning of the financial arbitrator especially in the definition compared to the functioning of general courts in the Czech Republic.

Key words: financial arbitrator - proceedings before a financial arbitrator - material competence of a financial arbitrator