

Abstract

The topic of this rigorous thesis is the defense of the debtor in execution with the focus on institutes deferral and discontinuance of execution. The thesis concerns execution carried out by the judicial officers according to Act No. 120/2001 Coll., on court executors and execution activities (Execution Procedure Code). The aim of this thesis is to describe and evaluate the possibilities of debtor's defense, to analyze application problems and to propose a modification *de lege ferenda*. I refer to the conclusions of the judicial decisions to individual institutes, which is an important source for the interpretation of legal rules. This rigorous thesis consists of four chapters, which are further separated into individual subchapters.

The first chapter is devoted general interpretation of term and purpose of execution, sources of law and main principles of execution proceeding. This chapter also includes a historical excursion to the development of execution law in our country and an example of a foreign procedure in the exaction of claims. The main principles of execution proceeding are explained in detail, including examples of specific provisions of a statute in which these principles are expressed.

The second chapter generally mentions the means of defense of the debtor, voluntary fulfillment of duty and further discusses the individual means of defense of the debtor, the elements and conditions of their application. Readers are described the conditions of application of the bias of the judicial officer, complaint against the judicial officer's procedure, motion to striking out the claim from the list and action to exempt a claim from the execution, objection against order to pay costs of execution and appeal against the judicial officer decision.

The entire third chapter discusses in detail the deferral of execution from writing a motion for deferral, deciding on the deferral of execution to individual reasons for deferral. Deferral of execution is only a temporary institute providing immediate protection to the debtor against execution and its unfavourable consequences. The chapter explains the differences between individual types of deferral of execution and their consequences for the debtor.

However, the most extensive topic of this thesis is the issue of discontinuance of execution in the fourth chapter. There are analyzed in detail the elements

of the motion for discontinuance of execution, the process of deciding on the motion and further individual legal reasons across the entire Code of Civil Procedure and the Execution Procedure Code, which lead to discontinuance of the execution. In this chapter I also thoroughly deal with the issue of discontinuance of execution conducted on the basis of arbitration awards.