

# **Abstract**

## **Diploma thesis - Appeal**

This diploma thesis deals with the legal regulation of one of the extraordinary remedies of the Czech civil process - appeal.

The first goal of my diploma thesis was to introduce systematic rules and extraordinary means in general and to add permits to their system, while in the first chapter I further analyzed the corrective systems according to which the scope of control activities of the court is determined.

The legal regulation of permits has undergone the existence of dynamic changes during its existence, another, and primary, the aim of this work was described by the current legislation allowing and further outline the development of permitting legislation, which was returned as an extraordinary remedy in 1991.

One of the other goals I chose is the description of the new concept of the legal regulation of permission, the regular remedy, which is regulated in the draft of the new Civil Code of the Ministry of Justice - the substantive intent of the Civil Procedure Code. According to the authors of the substantive intent of the introduced larger economic court proceedings, the change of permission to an ordinary appeal. According to the authors of the substantive intent, an important element would be a higher degree of legal certainty for the participants in the proceedings, which in its current form is a legal regulation allowing, together with the decision-making practice of the Supreme Court, confusing and unpredictable.

The factual intention is primarily inspired by the Austrian and German legal regulations of the profession, resp. revision, and therefore the last chapter is devoted to foreign regulations of extraordinary remedies, namely German and American, what the Anglo-Saxon system of law offers another different view of assessing the admissibility of permits by courts, which already have more free hand in terms of controllability of lower judicial decisions. extreme demands are placed on them in terms of practice and expertise.

Given the scope of the topic, my work could have a threefold scope, but for the purposes of this work, I tried to define the most important parts of the legal regulation of appeals within the entire system of the Czech civil process. In my view, the current form of the appeal is adequate in view of the function expected of it by the legislature and the parties to the proceedings, and a change to a proper remedy is not necessary at present.