

Judgment and subject of the proceedings

Abstract

This diploma thesis deals with the topic of the judgment and the subject of the proceedings. First, it analyses both concepts and then focuses on their relationship, both in litigation and in undisputed proceedings. The diploma thesis is divided into four separate chapters.

The first chapter explains the concept of the subject of the proceedings, further deals with the claim, defines it and analyses its requirements, defines the claim petit and divides it into basic types, which it also specifies in more detail. It then focuses on the principle of disposition as a fundamental principle of litigation, which allows the parties to dispose of the subject of the proceedings or of the proceedings themselves.

The second chapter describes the judgment. It first lists its requirements given by law and then specifies what its properties are. Subsequently, it also deals with the concepts of correction of the judgment and supplementation of the judgment. Last but not least it explains the different types of judgment according to various classification criteria.

The third chapter analyses the relationship between the judgment and the subject of the proceedings in the dispute. It first briefly describes what litigation is at all, then focuses on the general definition of the subject matter of litigation and the general decision-making process in this type of proceedings. Then the majority of this chapter is devoted to the individual disposition actions of the participants in the proceedings. The diploma thesis explains the change of the proposal, the withdrawal of the proposal, the mutual action and the objection to the set-off, the recognition of the claim and also the court settlement. In the last subchapter, the institute of connection of things is discussed.

The last fourth chapter compares the relationship between the judgment and the subject-matter of the proceedings in the undisputed proceedings with what was found about their mutual relationship in the disputed proceedings. It first deals with the undisputed procedure as a whole and then discusses the individual differences. It is divided into subchapters according to individual types of special proceedings, namely proceedings on certain issues related to individuals, proceedings on certain issues related to legal entities and in trust fund matters, proceedings on inheritance, other proceedings, proceedings in family law matters and finally proceedings in public register matters. This is followed by the last subchapter, which compares the possibility of the parties to the proceedings to use individual dispositional acts in undisputed proceedings with the same possibility in disputed proceedings.

Keywords

Subject of the proceedings, judgment, dispositional acts of the participants in the proceedings.