

The principle of concentration in civil proceedings

The principle of concentration, as one of the basic sectoral principles, manifests itself in civil proceedings in such a way that the proceedings themselves are made up of specific stages, in which it is always necessary to perform the acts for which the stage is intended. Procedural actions are thus concentrated. This means for the parties to the dispute that, at a particular stage of the proceedings, they must carry out all the procedural steps for which that stage is intended, under the result of preclusion. The purpose of this factual and evidentiary "stopstate" is to guarantee prompt and effective judicial protection of the subjective private rights of the party under § 6 o. s. ř. and to hear and decide the case without undue delay and respect constitutional right to a fair trial.

In the current wording of the o. s. ř. we have a number of elements of concentration introduced by a major amendment and a comprehensive amendment to the Code of Civil Procedure. However, the way in which they were implemented by the legislator did not always lead to the perfection. The adjustment of the concentration is often inconsistent, rigid, creates inequalities between the plaintiff and the defendant and can, paradoxically, lead to delays in the proceedings.

The aim of the author was to analyze the individual elements of concentration in the current law of o. s. ř., to present the problems and advantages of the current Czech regulation of concentration and to find a suitable place of the principle of concentration in the system of civil procedural law in the Czech Republic by comparison with the Slovak regulation.

In the first part of the work, the author focused on a brief historical excursion explaining the origin of some institutes and the development of sectoral principles applied in the continental civil proceedings. Emphasis is placed on the development of the civil process in the Czech lands.

In the second part, the author analyzes the individual elements of legal concentration according to their division in the provisions of the Code of Civil Procedure. It is a qualified call, preparatory proceedings, concentration of proceedings under the law, termination of proceedings and proceedings before the court II. degree (principle of incomplete appeal).

The third part of the thesis is devoted to a less detailed analysis of the Slovak regulation of concentration in civil proceedings under the relatively new *Civilný sporový poriadok* and the subsequent comparison of the Czech and Slovak regulation of the principle of concentration.

Using the method of analysis, comparison and synthesis, the author concluded that the biggest problem of the current Czech regulation of concentration in the o. s. ř. is the institute of

a fictitious judgment for recognition and zero use of the institute of judicial concentration, which, if properly set by the legislature, has the potential to make litigation more flexible, faster and increase the authority of the court.