

The obligation to instruct of the civil court

Abstract

This thesis deals with the topic of court's obligation to instruct from both theoretical and practical points of view. The theoretical part examines constitutional grounds of the obligation, as well as related civil law institutes. In the following chapters of the thesis, the author deals with the analysis of applicable legislation, its contextualisation within relevant civil law history and its regulation within the Code of Civil Procedure. Author focuses mainly on contentious civil proceedings (adversary litigation), which represents the most complex and detailed legislation. The author makes use of specialised literature, university textbooks, legal commentaries, and specialised journals. To a considerable extent, the author deals also with the jurisprudence (case-law), especially that of the Supreme Court and the Constitutional Court. Less extensive part of the text is dedicated to the obligation to instruct during appeal procedure, non-contentious proceedings, and enforcement proceedings. The thesis also includes comparison with foreign legislation both continuously within the text, and in the final chapter of the thesis. Finally, the author also deals with considerations *de lege ferenda*.

Key words: the obligation to instruct, civil court, the material conduction of proceedings