

# **Enforcement of non-pecuniary performance by court or private enforcement officers**

## **Abstract**

The subject matter of this diploma thesis is a description of enforcement of non-pecuniary performance by a court or private enforcement officers. Thesis emphasize the importance of effective civil law enforcement in the state and focuses on the important role of the private enforcement officers in this specific kind of civil procedure. Enforcement proceedings, or at least the threat of application of its provisions to obligors who do not comply voluntarily, guarantee that enforceable court decisions are legally binding and have legal consequences, as such these are not mere declarations of the participant subjective rights, but can be enforced by the power of a state.

The first chapter of this thesis defines basic distinction of two different nevertheless similar legal procedures which are civil law enforcement by a court and civil law enforcement by private enforcement officers. It deals with the basic differences between these two types of legal enforcement proceedings and the specific position of the private enforcement officer in the system of justice, who is simultaneously executing public authority and is also an entrepreneur with the intention to make a profit.

The second chapter of this thesis describes the enforcement proceedings according to the Code of Civil Procedure and according to the Act on private enforcement officers and private enforcement activities, from the moment of submission of the enforcement proposal based on the enforceable decisions until proceedings have ended. It further describes enforcement methods for pecuniary and non-pecuniary performance or procedural deferral of the civil enforcement.

The third chapter of this work deals with the interpretation of the concept of non-pecuniary performance and discusses the specific procedural methods when is non-pecuniary performance being enforced, namely vacation from immovable property, seizure of a thing, division of a thing and performance of the work, chapter describes these methods and characterizes the different procedural process when they are applied. The chapter concludes with an explanation of the institute of restoration of the previous state and explains its application.

The conclusion of thesis summarizes the latest amendments to the Code of Civil Procedure and the Act on private enforcement officers and private enforcement activities, points to the efforts of legislators to adopt a completely new Code of execution for private enforcement

officers which should be adopted on the legal conditions of today. Conclusion also illustrates the number of enforcement proceedings in 2020 and 2021.

**Klíčová slova:**

Civil law enforcement, Private enforcement officer, non-pecuniary performance