

## **The court's duty to instruct**

This text focuses on the court's duty to instruct from the perspective of civil procedure. The text is divided into several parts, which build on each other and move gradually from a broader topic to a narrower one. In the first part, the author first defines the duty to instruct and introduces the reader to the basic elements of the duty to instruct.

Then the author points out the primary anchoring of the duty to inform in the legal order of the Czech Republic, or in the context of the constitutional order. Already in the introductory words, the important role and significance of the duty to instruct the court in the context of the right to a fair trial is pointed out. The importance of the court's duty to instruct is subsequently emphasised in the rest of the thesis and the author treats it as an integral part, basing his conclusions on the literature and drawing extensively on the extensive case law of the Supreme Court of the Czech Republic and the Constitutional Court of the Czech Republic.

The text then goes on to discuss the basic elements of the duty to instruct, where it attempts to outline the general appetites typical of a wider range of individual types of duty to instruct. Among other things, the author also discusses the role of counsel in providing instructions and supplements his work with a few closely related concepts.

The text then moves on to the main topic of this thesis, namely two selected types of the duty to instruct, which the author describes as one of the most important types of the duty to instruct across the entire civil court proceedings, namely the duty to instruct under Section 43 of the Civil Procedure Code and Section 118a of the Civil Procedure Code, where they are then discussed in detail. The author attempts to deal with various issues related to the duty to instruct in individual points, again extensively using the case law of the highest courts of the Czech judicial system.

Finally, through a selected example, the author points out the complexity of the application of the duty to instruct in practice and possible problems associated with its application, which happens in some cases and where the courts can often only discover that there has been a breach of this duty at more advanced stages of the proceedings or even in the context of extraordinary remedies.

**Klíčová slova: the court's duty to instruct, the right to a fair trial, civil court proceedings**