

Abstract

In my diploma thesis I am concerned with the regulation of legal remedies with regard to the use of two principal correction systems - appeal and cassation system. The purpose of my thesis is to give the theoretical explanation of these two systems, the overview of their practical application in the czech legal system and a brief insight into the austrian legal system. The reason for my choice of this topic is the substantial change in the legal regulation of our Civil Procedure Code in the last ten years.

My thesis is composed of an introduction, six chapters, and a conclusion.

Chapter One defines the terminology used in the thesis and describes the development of legal remedies from czech legal perspective. The Chapter is subdivided into four parts. Part One explains the concept of correction proceeding. Part Two circumscribes the construct of legal remedies. Part Three describes the history of legal remedies. Part Four deals with contemporary regulation of legal remedies. We have only one regular legal remedy, which is appeal. Besides that we have three types of irregular legal remedies.

Chapter Two gives the definition of the correction system. This Chapter consists of four parts. Part One gives a general outline of correction systems. Part Two deals with the appeal system, which means that the courts can review questions of law and questions of fact as well. Part Three is focused on the cassation system, which only allows the review of law questions. Part Four characterizes the revision system, which is not used in our rule of law presently.

Chapter Three provides an outline of changes in Czech Civil Procedure Code since 2000. This Chapter has four parts and three of them deals with regulation of one amendment and the fourth one consists of a short summary and some other notes.

Chapter Four investigates the argumentation in correction proceedings in two parts. The object of Part One is regular proceeding and of Part Two irregular proceeding. Chapter Five looks at the remedies and the correction systems from the view of procedural principles. The Chapter is subdivided into three parts. All of them are related to one principle. Since July 2009 the application of concentration principle in our Civil Procedure Code has been a particularly topical problem. Chapter Six is a brief summary of regulation of correction proceeding in Austria.

We are now in a period awaiting the recodification of our Civil Procedure, and will see if it brings any big changes for the concept of correction systems.