ABSTRACT

The aim of this diploma thesis is to describe the main properties of the legal judgment in a private law – legal effect and enforcement. The focus is on the accurate analysis of the traditional institutions of the private process. It is not examined only from the point of view of the valid legal regulation but also according to the reasoning of the legal theory and from the conclusions of the legal practice. Theoretical interpretation is often supported by practical examples that are used to improve the intelligibility of the thesis and understandability of individual problems.

The diploma thesis is mainly focused on the issue of the legal effect of judgment. In relation with that there is explained the essence and purpose of this institution. Legal effect is conceived as the set of the specific properties (impacts), that the judgment acquires when the legal presumptions are fulfilled. There are defined the concepts of the formal and material legal effect including their mutual relation. Attention is also given to the individual impacts of the legal effect as the finality, the immutability and the obligation of the judgment. There is described not only its legal nature but also the specific utterances and consequences of its application.

Following interpretation of bounds of the legal effect tries to answer the questions under what requirement and condition will be the impacts of the legal effect enforced and how they are bounded from the objective, subjective and chronological point of view.

The diploma thesis is also focused on the issues of the enforcement of judgement. Nature and purpose of the institute is as well clarified. Beside the definition of the concept as a feature of a judgment founded in its direct enforcement enforced by the national legal efect or under its control is also described the issue of individual means of the judgment. The thesis deals not only with the issues in what moment and under what circumstances the judgment gets enforced (formal enforcement) but also deals with content requirements of the enforced judgment (material enforcement).

The influence of the proper and exceptional corrective instruments of legal effect and enforcement is also examined.