

# **Resumé**

## **Preliminary Ruling**

In some situations, it is not possible to wait for the court judgement in the case itself. Then there is the need for providing the legal protection of these rights before the meritorious judgement, for otherwise there would be a risk that the judgement in the case itself would have no real consequence or it would be impossible to execute. For this reason the institute of precautionary measures was established. This institute is an extraordinary instrument of temporary law protection, which should be naturally followed by the proceeding in the case itself. However, a proceeding in case of precautionary measures is basically an independent proceeding, and its result does not prejudge the court judgement in the case itself. In order to fulfil the objective of a precautionary measure, its proceeding must follow certain specifications. These variations are the subject of this thesis, which tries to present various perspectives on these proceedings specifications. Those are mainly jurisdiction without hearing of the parties, different regulations in delivery, judgement reasoning, simple verification of some facts, and establishment of caution. This regulation of proceedings was many times the subject of analysis of compliance with the constitutional order, especially with the right to a fair trial, specifically with the principle of equality of parties in proceedings. On the other hand, it is necessary to consider the precautionary measures as a temporary instrument, whose purpose is a provisional arrangement of conditions, which can be seen from the title of this institute. Legal regulation of the precautionary measures should enable to get legal protection of rights; nevertheless it should also provide conditions for protection of rights of the parties, against which the proposal proceeds. It is the aspect of proportionality, on which should the court base its judgement about the precautionary measures. The potential damage to the proposer must be compared to the damage that would be caused to other persons by the precautionary measure. This thesis deals with legal regulation of general precautionary measures with accent on problematic areas of proceedings in case of precautionary measures, for there were many amendments in last years, which sometimes didn't help for better lucidity and cohesion of the legal regulation of precautionary measures.