

The topic of this diploma thesis is the declaratory principle in contentious and non-contentious proceedings. The aim of this thesis is to describe how the declaratory principle is applied in both forms of Czech civil proceedings, contentious and non-contentious. There are some differences between application of the declaratory principle in a contentious proceedings and application of this principle in a non-contentious proceedings. Parties are much more free to dispose of their claims in contentious proceedings, because the declaratory principle is one of the main principles of this form of civil proceedings. It is necessary to say that legal system in the Czech Republic is the continental legal system and the declaratory principle is traditional for continental legal system.

The declaratory principle also means that the court is limited in its decision making. It is not possible to decide more than it has been asked to. The major part of this thesis is about disposition acts. How it was mentioned before, parties are free to dispose their claims in contentious proceedings and the reason for it is that they are able to use many disposition acts. Each of these procedural acts is defined in its own subchapter of this work and there are also mentioned related judgements.

Other parts of this diploma thesis are about a history progress of the declaratory principle, some limitations of this principle and also about a few debatable questions related to application of the declaratory principle.

One of the purposes of this diploma thesis was to outline the importance of the declaratory principle for civil proceedings in a democratic country, because the declaratory principle gives people opportunities to defend their rights in a court trial. The declaratory principle is one of the requirements for a fair trial.