

## **Abstract**

The purpose of this submitted rigorosum thesis titled “Court decisions in execution proceedings” is analysis of the legal regulation of execution proceedings affecting procedure and decision-making by courts during these proceedings, focusing on individual amendments and the related changes to selected provisions of the Execution Code, their mutual comparison, assessment of the suitability of their adoption and consideration whether their benefits in the form of “dis-encumbrance” of the courts predominate over the possible risk of potential excess by bailiffs. The scientific methods used to achieve the defined goals included the descriptive method, supplemented by the analytical method and also the comparative method.

This work consists of three chapters. The introduction presents the most important amendments to the Execution Code regulating decision-making by courts and subsequently defines the goals of this thesis and the specified scientific methods used to achieve the goals of this thesis. The first chapter is devoted to the history of execution proceedings from Roman law regulations to acceptance of the Execution Code (Act No. 120/2001 Coll.). The second chapter discusses current regulation of execution proceedings, focusing on the standing of the bailiff and his procedure within the Execution Code. The third chapter, which is the key part of this thesis, is divided into three sub-chapters, of which the first discusses the court’s procedure and decision-making during execution proceedings, from the concept of the case, through the judicial proceeding, to issue of bailiff’s authorisation. The second sub-chapter discusses possible means of defence by the obliged party in the execution proceeding, in relation to subsequent decision-making by the court concerning these means. The third sub-chapter is devoted to the issue of the costs of execution proceedings, the costs of execution and decision-making by courts concerning compensation of the costs in question. The conclusion of the thesis evaluates the amendments to the Execution Code, which resulted in transferral of part of the decision-making competence of the courts to bailiffs. It is established that the aforementioned amendments failed to significantly increase the risk of potential excessive errors by bailiffs, whereas the importance of thorough application of the disciplinary responsibility of bailiffs and also state supervision are simultaneously emphasised. Proposals for potential amendment of the Execution Code *de lege ferenda*, which

could result in further transferral of decision-making competence into the hands of bailiffs and subsequently reduce this area of administrative work currently managed by courts and also to amendment of regulation of decisions about costs incurred by parties to proceedings and the costs of execution, are also submitted.