

ABSTRACT

Procedural requirements of civil proceedings

My thesis deals with the issues of procedural requirements of civil proceedings, that are sometimes termed also as requirements of proceedings. This term refers to the legal institute, that creates the legal framework for realization of the right to the judicial protection, because the fulfillment of these statutory requirements is one of the fundamental assumptions for hearing of the case and for the issuance of decision in the civil proceedings.

Systematically my work is divided into two parts, namely into the general part and the special part. These two parts in total consists of seven chapters. Particular chapters are subsequently divided into the subchapters and each of them into the sections. While the general part consisting of the first three chapters concerns with the general view on the issues of procedural requirements, remaining four chapters of the special part deal with the particular procedural requirements in more detail.

The first chapter aims to define as precisely as possible the term of procedural requirements and also potential discrepancies in its interpretation. It involves also the fundamental classification of procedural requirements. Chapter no. 2 analyses the research of procedural requirements, that occurs at any time during the whole proceedings, namely from the initiation of the proceedings until its legally effective conclusion. The general part of my thesis is closed by the chapter dealing with the imperfection of procedural requirements and with its remedying.

The special part is focused on the particular procedural requirements, that can be divided into procedural requirements concerning the court, procedural requirements concerning the parties, negative procedural requirements and so called factual procedural requirements. Within each of the aforementioned categories there is the fundamental characterization of particular procedural requirements and of their research. Last but not

least also the imperfection of requirements and its remedying is analysed in relation to each particular procedural requirement. If in relation to some requirement there are some departures from the general features of requirements pointed out in the general part, the thesis deals also with the view on these differences.

The aim of the thesis is to introduce the wide issues of the procedural requirements as complexly as possible and to demonstrate their irreplaceable importance in the civil proceedings. For that reason when researching the aforementioned issues this thesis is based on the applicable legislation contained in the Civil Procedure, that is supplemented by the opinions of professional literature. Very important source of information is also the rich judicature and opinions of the professional public contained in the professional articles.