

Abstract

The presented master's thesis on the „Preliminary measures in civil proceedings“ deals with the institute of preliminary measure in the civil procedure as a measure, which provisionally ensures the rights of natural or legal persons. The preliminary measure is used in such situations, where there cannot be awaited until the final decision in the case is issued, with regard to the threats to individual rights or with respect to the concern, that the enforcement of the court decision is threatened.

The aim of this thesis is to provide the reader with the complex overview of the information about the preliminary measure, both about the so called general preliminary measure governed by the Act No. 99/1963 Coll., Code of Civil Procedure and about the so called special preliminary measures governed by the Act No. 292/2013 Coll., on Special Court Proceedings.

The master's thesis is structured into five chapters. The first chapter refers to the historical development of the preliminary measure in our territory and provides general information about this institute and its purpose.

The second part is focused on the general preliminary measure's issues. In this chapter, the author describes the procedure on proposal on order of this type of preliminary measure, the duration of preliminary measure and the possibility of its extension. The author deals here also with the institute of security, which has been a widely discussed topic in the area of preliminary measure legislation for several years. The conclusion of the chapter is dedicated to the termination of preliminary measure, possibilities of its cancellation, compensation arising out of preliminary measure, and to the remedies, which could lead to the judicial review of the decision on the preliminary measure.

The third chapter refers to the preliminary measure issued in the cases of the protection from domestic violence, which is established in the Act No. 292/2013 Coll., on Special Court Proceedings. In this part, we can find the detailed description of the whole procedure on order of the preliminary measure and its particularities.

In the fourth chapter, the author pays the attention to the preliminary measure governing the interests of minor children, which is also established in the Act No. 292/2013 Coll., on Special Court Proceedings. The focus is set on the description of the procedure on order of the preliminary measure and some differences in relation to the previously mentioned types of preliminary measures are highlighted as well.

The fifth chapter contains the author's considerations *de lege ferenda*. The author evaluates here in particular the legislation of the security, the issues of the court's decision-making process about an appeal brought against the decision on the preliminary measure based on the provisions of the Act No. 99/1963 Coll., Code of Civil Procedure, and further suggests the modifications of the legal regulation of preliminary measures issued in cases of child's access to parents.