

This thesis deals with the legal capacity proceedings, which are the procedural reflection of legislation of restriction on legal capacity included in the Civil code. The legal capacity is the key legal institution for the human possibility to make a juridical acts. In some cases, it is necessary, for the reason of protection of human, to restrict on the legal capacity, eventually to choose another preferable measure. Procedural regulation of these proceedings is, with effect from 1. 1. 2014, contained in the Code on Special Court Proceedings (Act No. 292/2013 Coll.), as it comprises certain derogations from classic contentious proceedings.

The aim of the thesis is to comprehensively summarise and interpret this legislation including her relation on the substantive regulation, point out her faults and propose options, how to remove them. To this purpose, opinions of experts and present case law regarding these matters are in the thesis also confronted.

The thesis consists of three main chapters, which are subdivided into some subchapters and sections. The content of this three chapters is the general delimitation of legal capacity, the excursion into the history of legal capacity and the procedural regulation of the legal capacity proceedings.

The aim of the first chapter is to introduce the concept of legal capacity. In the introduction the legal capacity is presented and then the chapter is subdivided into the entire legal capacity including ways of acquiring, the restricted legal capacity and the corrupted legal capacity. This division reflects various „grades” of legal capacity and reaction of legislation on it. Within the framework of the restricted legal capacity the thesis takes a closer look on the restriction on legal capacity by the court, which is the main part of the substantive regulation, on which the legal capacity proceedings are based.

The second chapter is incorporated to point out the historical evolution of institution of legal capacity and to allow closer understanding of topic. The chapter contains the evolution of legal capacity in particular historical periods.

The third chapter, dealing with the very legal capacity proceedings in the actual legislation, is essential. In this part, there are individual legalities in detail analysed (including amendment performed by Act No. 460/2016 Coll.). The sequence of individual subchapters reflects the proceedings before the court until the lodging of appeals.

In conclusion of my thesis I mention problematical provisions and the way, how case law and practice tackled it. I also introduce the provisions, whose imperfections persist and how should they be in my opinion *de lege ferenda* removed.