

Summary

The thesis deals with legal regulation of participation in contentious proceedings. Procedural subjects are one of the definitional elements of the civil proceedings; they are mainly the court and parties to proceedings. Therefore, legal regulation of parties to proceedings is an important component of law of civil procedure.

The thesis depicts the present legal regulation of participation in contentious proceedings, evaluates its suitability and proposes appropriate changes with regard to clarity, unambiguity and fulfilment of the right to a fair trial. It includes description and analysis of the effective legal regulation, examines main problems, compares interpretation and opinions in professional literature and also deals with the court interpretation of relevant legal regulation. Moreover, a partial aim of the thesis is to depict the reflection of the new civil code in the procedural regulation and to evaluate whether such reflection is optimal.

The thesis is divided into eight chapters which deal with the component topics. The first chapter deals with general matters of parties to contentious proceedings including material and procedural standing and the principle of equality. The second chapter concerns prerequisites for participation in proceedings, thus analyses capacity to sue and to be sued, capacity to take part in proceedings and issues of necessary representation of parties. The third chapter presents main rights and duties of parties to proceedings. Analysis of multiple persons forming one party in civil litigation in separate joinder or indispensable joinder creates the content of the fourth chapter. The fifth chapter elaborates issues of secondary participation, its purpose, conditions of secondary participation and rights and obligations of secondary participants. The sixth chapter describes principal intervention, a situation when a third person claims a thing or a right that is the matter in an ongoing dispute between other parties. The seventh chapter concerns accession and substitution of parties to proceedings, the institutes that enable to change entities participating in the proceeding due to lack of material standing already existing before initiation of the proceeding, but found out during the proceeding. The eighth chapter deals with procedural successorship in case of loss of capacity to sue and to be sued and procedural successorship in case of transfer of a right or a duty after initiation of a proceeding.

There is a description and evaluation of effective legal regulation and alternatively also a proposal of necessary changes in each chapter. The conclusion contains a complex

assessment of the regulation and emphasis on main problematic parts of legal regulation of participation in contentious proceedings with a proposal of resolution.