

Abstract

The aim of this thesis named „Legal capacity and related legal proceedings“ is to introduce legal capacity and related legal proceedings with the focus on the procedural legislation. Legal capacity is a natural component of each natural person and it is not allowed to be removed. Legal capacity is acquired at birth and is retained until death. Sometime, due to protection of rights of a person, legal capacity might be restricted. This thesis is divided up into ten parts. The largest part is focused on legal proceeding which lead to restriction of a person´s legal capacity, ie. restriction of an aspect of personal status. Nevertheless, the thesis introduces also legal proceeding leading to prolongation of time of legal capacity restrictions and proceeding concerning legal capacity of a child.

The custody of persons limited in legal capacity and related legal proceeding are introduced in the thesis as well. This proceeding and proceeding of legal capacity are conjoined to each other, which is the reason why this subject may not be omitted. This part describes the process of choosing the right person as a curator. The author also shows that several misunderstandings and misinterpretations occurred after Civil Code came into force on the 1st of January 2014. The author also presents her considerations *de lege ferenda*. Particular problems concerning legal proceedings of legal capacity are mentioned and potential solutions suggested. The author also bring her subjective opinion on the legal proceedings and its strong and weak points. In the end the author summarizes the issue of legal capacity and related legal proceedings. Previous findings are recapitulated. It is also emphasized that there are several questions which should be answered in the near future in order to remove differences in judicial practice and legal proceedings among courts.