

## **Abstract**

This diploma thesis primarily deals with the legal frame of the restriction of legal capacity proceedings, which is contained in the Code on Special Court Proceedings (Act. No. 292/2013 Sb.) effective from 1. 1. 2014. For that purpose the thesis works with particular legal institutions of substantive law contained in the Civil Code (Act No. 89/2012 Sb.), such as legal capacity (a capacity to make juridical acts) and its restriction. The thesis is focused especially on the course of the proceedings resulting in the decision to restrict legal capacity or to accept any other appropriate measures. The author also describes two particular aspects of the proceedings, which are the duty of the court to see an individual whose legal capacity is subject to the consideration and the possible ways to make a decision by which the legal capacity is restricted.

The aims of the thesis are to describe legal regulation of the restriction of legal capacity proceedings, previous and recent case law dealing with this issue and to evaluate their influence on the individuals whose legal capacity has been restricted. The author also seeks to propose a possible solution to the problems related to the restriction of legal capacity proceedings.

The diploma thesis is divided into 4 main chapters. The first chapter is dedicated to the issue of legal capacity and related legal institutions. The second chapter summarizes the history of substantive and procedural law on the restriction of legal capacity as the previous legal regulation had determined the new one or, on the other hand, explains the reasons for the new regulation. The third chapter is the core of the thesis. It contains the course of the legal proceedings before the court from the beginning to the final judgment. The chapter also includes the previous and recent case law dealing with the issue. The fourth chapter is focused on the particular case law of the European Court for Human Rights, which is related to the Czech legal regulation. In conclusion the author evaluates the actual legal regulation and its most important problems and proposes possible solutions of them.