

Preparation of a hearing in the civil procedure

Abstract

This thesis deals with the preparation of a hearing in the civil procedure defined by its objective – to hear a case in the fastest possible manner hand in hand with provision of a brief and fair decision, in principle, in one hearing.

The first chapter of this thesis is dedicated to defining the purpose of the preparation of a hearing in the civil procedure and outlines the possible differences in contentious and non-contentious proceedings. The second chapter summarizes the historical development within our territory from its very beginnings in the Middle Ages to the current legislation. Subsequently, the third chapter delves into the fundamental principles on which the civil procedure is built upon, as well as the preparation of the hearing. The foundation of this thesis is the fourth chapter, which analyses the various process and instruments of the preparation of the hearing in detail. Firstly, attention is focused on examining the proposal for proceedings' initiation, the fulfilment of the proceedings' conditions and the fee obligation. Afterwards, individual instruments are analysed in depth, for instance the call to correct a submission, the simple call for a response, the qualified call for a response, the preliminary hearing in contentious and non-contentious proceedings. In the fifth chapter, the Czech legislation is compared to the German and Slovak legislation. The sixth chapter deals with the legitimacy of the judgment by acknowledgement issued on the basis of legal fiction. This thesis is finalized by the seventh chapter, which deals with the Material Intent on the Civil Procedure Code as a fundamental document for upcoming legislation and the proposals *de lege ferenda*.

The objective of this thesis is not only to provide a comprehensive interpretation of the preparation of a hearing the civil procedure, but also to consider whether the process and instruments effectively serve the purpose of preparation of the hearing are also justified and correspond with the right to a fair trial.

Key words

preparation of a hearing, qualified call for response, preliminary hearing