

# **Dispositive principle in contentious and non-contentious proceedings**

## **Abstract**

This rigorous thesis is focused on the dispositive principle and its application in contentious and non-contentious proceedings. The dispositive principle is one of the main principles which constitute civil proceedings, contentious proceedings in particular. The aim of the dispositive principle is to establish who decides whether a proceeding is to be initiated, what is the subject of the proceeding and who has an influence on its course. The first chapter is related to civil procedure in general and its historic development since the ancient Rome until today. The other part of the chapter contains general definition of all types of civil procedure.

The second chapter deals with civil trial proceedings. The first part is focused on contentious proceedings which are formed by the dispositive principle. On the contrary, non-contentious proceedings, which are the subject of the next part of the chapter, are formed by the principle of officiality. Nevertheless, the dispositive principle also applies in non-contentious proceedings. The author focuses on the main principles which form both proceedings. The author also describes how they proceed. The third chapter is dedicated to the dispositive principle in general. The author also deals with other chosen principles of civil procedure and their relation to the dispositive principle.

The following chapter is dedicated to the application of the dispositive principle in contentious proceedings. The chapter is divided into two parts. The first part is focused on disposition acts which have an influence on the proceeding. The second part deals with disposition acts which allow a particular party to change the subject of the proceeding.

The last chapter is focused on the application of the dispositive principle in non-contentious proceedings. The chapter is also divided into two parts. The subject of the first part is disposition acts which have an influence on the proceeding. The subject of the second part is disposition acts which allow a particular party to change the subject of the proceeding. Despite the fact that the objective of non-contentious proceedings is different, there are some disposition acts that apply in both proceedings. The author compares every disposition act in this chapter to its parallel in contentious proceedings.