

Judgment debtor's procedural means of defence within the enforcement of judgment

Abstract

The subject of this thesis is the judgment debtor's procedural means of defence within the enforcement of judgment and its goal is to process comprehensively and to examine in detail the applicable legislation, case law and professional publications related to this issue.

In addition to the introduction and conclusion the thesis is divided into five main parts, some of which are divided into individual chapters subdivided into individual points where needed.

The first part of the thesis is devoted to general interpretation of the enforcement of judgment, including judicial enforcement of judgment and execution. The basic institutes of the enforcement procedure are discussed here as well as the basic principles by which the enforcement proceedings are controlled.

In the remaining parts of the thesis the attention is focused on specific procedural means of defence of the judgment debtor within the enforcement of judgment. The second part contains the legal analysis of the procedural means that the judgment debtor can use in his defence during the enforcement proceedings. The individual chapters of this part deal with the objection of local jurisdiction of the court of judicial enforcement of the judgment, the objection of bias of the judge, the motion to suspend the judicial enforcement of the judgment, the motion to cease the judicial enforcement of the judgment and the so-called resistance action.

The third part focuses on the procedural means of defence of the judgment's debtor in execution. Specifically the following procedural institutes are examined in detail: the objection of local jurisdiction of the court of execution, the objection of bailiff's bias, the motion to suspend execution, the motion to cease execution, the objections to the order to pay execution costs, procedural means of defence of judgment's debtor against general and special prohibition of the judgment debtor to dispose of property (in Czech so-called inhibitorium) and the defence of judgment debtor against the execution order.

The fourth part deals with the legal analysis of ordinary and extraordinary remedies which the judgment debtor is entitled to use in defence of themselves within the enforcement procedure. The individual chapters deal with the appeal against the court's non-final judgment, the appeal against bailiff's non-final decision, the appeal against the final judgment and the so-called action for confusion.

The fifth part is focused on the constitutional complaint within the enforcement of judgment.

In the conclusion of the thesis the legal regulations of procedural means of defence of the judgment's debtor within the enforcement of judgment *de lege lata* are re-evaluated and the legal regulation *de lege ferenda* is analyzed more closely.

Key words

Enforcement of judgment, procedural mean of defence, judgment debtor.