

Abstrakt v anglickém jazyce

The dissertation focuses on the legal-theoretical definition of non-contentious civil proceeding according to the most important Czech, Austrian and German legal-theoretical conceptions, on the basis of which the key differentiation criteria for distinction between contentious and non-contentious jurisdiction are determined. Based on the defined criteria, the second part of the dissertation assesses the nature of proceedings dealt with under the Act on Special Judicial Proceedings, as well as the nature of proceedings dealt with under the Act on Civil procedure code, about which there is no unified opinion in legal theory. The nature of the proceedings is also compared (if the regulation of the given issues allows it) with the current German and Austrian legislation and with the conclusions about their contentious and non-contentious nature on a legal-theoretical level. The particular types of non-contentious civil proceedings are divided into four groups: (i) the classic core of non-contentious civil proceedings, (ii) non-contentious civil proceedings, whose subordination to regime of contentious civil proceedings is inherently excluded, (iii) non-contentious civil proceedings, whose subordination to regime of contentious civil proceedings is inappropriate, and last but not least (iv) the so-called borderline cases standing at the interface between contentious and non-contentious civil proceedings. Following the assessment, the considerations *de lege ferenda* are also summarized in the conclusion of the dissertation.