

Abstract

The purpose of my thesis is to analyze a position of an entitled person in the process of enforcement obligation, which was adjudged by a judicial decision and wasn't fulfilled by an obliged person voluntarily. The paper is focused on the enforcement of private, pecuniary obligations. Execution procedure and all described institutes are observed from the entitled person's point of view, particularly with regard to her fundamental effort to satisfy her claim. The thesis also deals with the entitled person's options to face the obliged person's means of defense, especially deferral and discontinuance of the execution. The aim is to evaluate the current legislation's adjustment of the position of the entitled person and to try to suggest possibilities of change which could provide more effective execution for the entitled person while preserving the obliged person's rights.

The thesis is divided into four chapters. The first one presents the position of the topic in the system of law and introduces the subject and the characteristic of the main terms: the execution and the entitled person. The next chapter is focused on the relation between the entitled person and persons different from the obliged person who are concerned in the execution, and highlights the most important moments of this link. There is the relation between the entitled person and the executor, special attention is paid to the choice of executor, damage liability of executor and the costs of the execution procedure. Next important matter is the contact of the entitled person and other creditors of the obliged person, the relation between the execution and insolvency procedure is described. Entitled person gets in touch also with other persons, these situations are mentioned as well. For example the defense against the action for exemption of property from the execution and nullity of legal act is dealt with. The third chapter explores the execution title, particularly its qualities, potential defects and it divides the execution titles into categories. Selected categories described in detail are judicial decisions, notarial deeds and arbitral awards. The chapter also analyzes the possibilities of re-examination of the execution titles. The paper deals with the course of execution procedure with the focus on bringing petition for an execution order by entitled person, the execution order and deferral and discontinuance of the execution in the last chapter.