

Abstract

The aim of this thesis is an integral organization of the incidental disputes that may arise in the execution proceeding, a description of their nature, an outline of their purpose and characterization of important features. The result of my efforts should be a structured and comprehensive overview of the incidental disputes.

The approach, which I used in order to achieve the marked objective, rests in the creating of the basic description of individual incidental disputes, in the analysis of their elements and in the comparison of different concepts.

Apart from the introduction and conclusion the thesis contains a total of two chapters, which are further divided into subchapters and parts. The first chapter contains altogether four subchapters and the second chapter contains six subchapters.

The first chapter discusses the execution proceeding and the incidental disputes in general. First of all, the thesis begins with the first subchapter with a brief outline of the history of execution proceeding along with the lay out of the first occurrences of the various institutes of incidental actions. Subsequently, in the second subchapter the execution proceeding is conceptually defined in accordance with the state of today's jurisprudence. The third subchapter, that deals with the main principles on which the execution proceeding is built, consists of two parts on the general and special principles. Finally, the fourth subchapter gives the very definition of the term of the incidental disputes including their classification.

In the second chapter, before the definitions of the individual incidental disputes are provided, the disputes over the completion of the execution title due to its material non-enforceability and the disputes over the completion of the execution title due to the changes of entitled or obliged persons are pointed out. In the first subchapter the exclusionary disputes are defined, which have been granted with a somewhat larger space - a total of six parts - mainly because of their volume. Then, in the second subchapter which is divided into four parts the focus is shifted to the interpretation of the resistance disputes. Third subchapter referring to the third party debtors disputes is then divided into four parts as well. Subsequently, in the fourth subchapter which is divided into three parts characterizes the disputes from the better right. In the penultimate fifth subchapter disputes over the suspension of the execution due to the

termination of the right (the opposition disputes) are highlighted in two parts altogether. Finally, the sixth subchapter focuses on the disputes over the termination of the execution for its inadmissibility (the impugnation disputes).