

## ABSTRACT

The aim of the thesis is to define the category of peremptory rules in private international law and to describe their specific use in the commercial domain compared to business to consumer contractual relations.

The reason for my research was my concern for the conflict between the formal possibility to conclude a contract and the actual enforceability of the contractual claims before a court or before alternative dispute resolution bodies in the domain of private international law.

A major part of the thesis uses an analytical approach and a grammatical, teleological and logical interpretation of the mentioned legal instruments. The final part is grounded on the legal comparison of several laws across different countries and thus demonstrating how different approaches to peremptory rules may influence the actual interpretation of various legal relations and the contractual liberty in general.

The thesis is composed of four chapters and a conclusion. To begin with, the first chapter focuses on the peremptory rules in international commercial relations as a whole. It aims to define the core notion of the peremptory rules. It also deals with a personal and material scope of the thesis – the particularities of commercial relations.

Furthermore, the second chapter examines the application of the peremptory rules before courts on a theoretical basis.

The third chapter concentrates on the international commercial arbitration. Moreover, it analyzes the application of the peremptory rules by arbitration bodies and the distinctions from the court dealings.

The fourth chapter compares laws in private international law domain and their peremptory rules in particular, from several states. I chose Czech, Swiss, French and American laws. I chose these countries due to the specificities of the approach to the peremptory rules by each of these countries.

Conclusions are drawn in the fifth chapter. The aim to offer a general definition of peremptory rules by a synthesis of all analyzed sources was reached; however, it

fails to define the term in a universal way. The thesis shows some important guidelines that help to presume which peremptory rules would be applied to a particular case, though it is still on the basis of probability.