

Abstract

The master's thesis focuses on a topic which lies on the intersection of civil law procedure and constitutional law. The chosen type of execution proceedings is looked at through the lens of constitutional law with specific focus on dwelling and inviolability of the home, which are interfered with by specific steps of the execution sale of movable property. The aim of the thesis is to bring forth an analysis of the topic from an unusual perspective, and therein answer several research questions, especially to lay out specific (impermissible) interferences with the inviolability of the dwelling within execution proceedings with the goal of highlighting inviolability of the home as a value embodied in the constitutional system of the Czech Republic.

The thesis is divided into two parts and only the conjunction of these parts forms a unique whole. The first part focuses on execution sale of movable items. Firstly, it gives an overview of the execution proceedings and clarifies the purpose and goals of the court executors. In the following chapter the thesis looks at the distraining enforcer as a person in direct contact with the debtors and third parties during his on-the-spot operations for the purpose of execution proceedings. The text then shifts its focus to specific aspects of execution sale of movable property regarding dwelling, which are collectively called necessary elements for listing on the spot. There are placed main subchapters dealing with the determination of locations of debtor's movable assets, on authorization of search of such places and on accessing such locations.

At the beginning of the second part, which focuses on inviolability of the dwelling, there is a noticeable move towards the abstract view. The starting chapters touch on sources of law and general assessment of article 12 of the Charter of Fundamental Rights and Freedoms. The inviolability of the dwelling is also looked at through the prism of it being a part of right to privacy in broader sense. Further, there is a commentary on the terms inviolability and home. The text of the thesis goes back to the concrete interconnection of both subjects of interest in the coherent one analyzing the importance of consent to enter the dwelling, and the work is completed by a chapter dealing with the interferences with the inviolability of the dwelling. Therein is an interpretation on subsections two and three of article 12 of the Charter of Fundamental Rights and Freedoms

with the addition of views of the European Court of Human Rights, and particularly, there are several examples of impermissible interferences as was ruled by the Supreme Administrative Court of the Czech Republic as a disciplinary court in regards to disciplinary liability of court executors (also to expound on the topic, the views of the Constitutional Court had been added).