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Abstract:

This article deals with issues related to the out-of-court settlement agreement as well as other selected legal structures that perform similar functions on a basis on Swiss civil law. The deliberations begin with a comparison of the court settlement with out-of-court settlement, and then the detailed legal regulations applicable to the out-of-court settlement are presented, as well as the legal nature of this settlement. An analysis is made of when such an agreement could be concluded, what constitutes to its essence, and it is considered which of the applicable legal provisions could apply directly to it, and which would be applicable only respectively and how it would be done. It also has been shown how such a settlement can be concluded and what form the Swiss law requires for it. Next, controversies related to whether the agreement has a novel effect are discussed, as well as the issue of its impact on the period of time limitation of claims. The final part of the text compares the features of out-of-court settlements with other institutions a little bit similar to it, such as debt admission, debt relief, service fulfillment receipt, general admission of liability, modification of the initial contract, or arbitration or mediation agreement.