

Abstract

The aim of this work is to answer the question of whether the judge's remuneration represent a constitutional guarantee of judicial independence and thus whether they can have a real impact on the judges' decisions. In view of this, the thesis will first deal with the definition of the term "judicial independence" and its possible categorizations. Subsequently, the diploma thesis will focus on Czech legal regulation of judicial remuneration and documentation from important international institutions. The focus of this thesis will be devoted to the analysis of Act No. 236/1995 Sb., o platu a dalších náležitostech spojených s výkonem funkce představitelů státní moci a některých státních orgánů a soudců a poslanců Evropského parlamentu, ve znění pozdějších předpisů (about salary and other elements associated with the performance of State representatives, bodies, judges and members of the European Parliament duties). Specifically looking at case law from the Constitutional Court on the issue of judge's remuneration, in particular with regard to the method of calculating judges' salaries and restrictive interventions in the judiciary, including the removal of additional salaries, the freezing of salaries and changes in the statistical index. The aim of this chapter will be to find out, in particular, whether Czech legislation and jurisprudence presuppose the existence of a guarantee for judicial remuneration.

Simultaneously, I will compare the approach of the Czech Republic to the remuneration of judges in relation to other states, namely the Slovak Republic, the Republic of Poland and the United States of America. The comparative part will be done with regard to three basic criteria: the constitutional framework of the judicial remuneration, the method of calculating the judges' salaries and the approach of the case law to restrictions on the judge's compensation. The conclusion of the comparative part of the thesis will deal with the question whether the Czech legislation and case law correspond to the standards recognized by these countries or differs from them. There will also be an evaluation of the necessity of possible changes in the Czech legislation *de lege ferenda*.

Key words: Judicial salaries, Guarantees of judicial independence, Freezing judicial salaries