

Abstract

This diploma thesis deals with the topic of the independence of the judiciary, which is grasped in its full complexity. The thesis aims to answer two research questions: what techniques of influencing of the independence of the judiciary exist and how could be the resistance of the Czech judiciary against these techniques strengthened.

In order to answer these two questions, thesis introduction elaborates the theory of the concept of an independent judiciary, independent court and independent judge and explains the difference between the concepts of judicial independence and judicial impartiality.

After the introduction, the thesis describes in detail the steps which have been undertaken in Hungary and Poland since 2010 and which enabled to paralyze the independence of the judiciary in these states. The detailed description of the attacks against the independent judiciary helps to conceive different kinds of techniques by which can be the judiciary influenced. These techniques are categorized in the third part of the thesis. More attention is given to the court-packing technique and to the technique of disciplinary proceedings with judges.

Another part of the thesis is dedicated to the second research question – how one can successfully fight against techniques of influencing an independent judiciary in the Czech Republic. The thesis comes to the conclusion that the most important legislative changes regard the constitutional law and recommends strengthening the rigidity of legal norms which regulates functioning of the Czech constitutional court. From a non-constitutional perspective, the thesis analyses the Czech judicial disciplinary proceedings legislation and again finds some deficiencies which are advisable to be removed.

The thesis further comes to the conclusion that a very important factor in efforts to create an independent judiciary is a judicial selection.

At the very end, the thesis recommends reinforcing a public confidence in the judiciary. If people trust courts, it is more difficult for political actors to attack them.