

Professional Ethics of Distrainers in the Czech Republic

Abstract

The aim of this Master degree thesis is the analysis of the current regulation of the professional ethics of distrainers with a focus on the independence and impartiality as these requirements are established in the status and legal regulations. The profession of distrainers has recently been the target of criticism both from the public and from some legislators and the professional public. The Master degree thesis therefore focuses on clarifying the issue of distrainers in a broader context, so that it is clear to the reader what theoretical starting points influence the professional ethics of distrainers.

The first part of the thesis is focused on the area of morality, ethics and law. These concepts are interconnected and influence each other. At the same time, they significantly influence almost every member of our society. Based on this work, the reader should be able to distinguish between them, know their differences and mutual interaction.

The second part of the thesis is devoted to professional ethics and its starting points, which are subsequently applied in solving various ethical problems that may arise in the performance of the given professions. For an overall understanding of the issue, the concept of profession and the specifics by which it is characterized and distinguished are clarified. In addition to the analysis of professional ethics itself and its development, there is also a brief reflection on the importance of professional ethics for professionals in an attempt to present some arguments for why they should orient themselves in this issue and have at least a basic level of knowledge about it. Ethical codes are also discussed, which are an important sources of professional ethics standards; arguments for and against their existence, their functions and origin are presented.

The last part of the thesis is devoted to the distrainers themselves. The current legislation and briefly its development are evaluated, as well as the specifics of this profession; these peculiarities can be the source of various legal and ethical dilemmas. Next, some selected provisions of the status regulations of the Distrainer's Chamber of the Czech Republic are discussed, in relation to legal regulation and with an emphasis on education, the dignity of distrainers as a status and their required independence and impartiality. The analysis of the available jurisprudence of the disciplinary chambers of the Supreme Administrative Court is then focused on the last two mentioned areas, the aim of which is to draw partial conclusions about how the position of distrainers can threaten their independence and impartiality, or possibly, in which guardrails the distrainer should operate and what on the contrary should be avoided.

Klíčová slova: professional ethics, Distrainer, independence, impartiality