

Dissertation abstract in English

The power of the judiciary

The presented dissertation examines individual aspects (dimensions) of the recent state of "real power" of the judiciary with historical and international comparative overlap. The subject of research is the close relationship between law and politics, specifically the actions of courts and judges in a political context. The presented dissertation is also devoted to the fulfillment of one of the key legal, but also political principles of the recent democratic legal state - the separation of powers, specifically the position of the judiciary in it.

The basic division of the work is into a general and special part. The general part is devoted to the analysis of the concept of power, authority, violence, judicial power, separation of powers and politics. He looks at the concept of power not only from a legal point of view, but also from a philosophical, sociological, political, economic, psychological, as well as theological or linguistic point of view.

A special section focuses on the four dimensions of judicial power. The first dimension deals with institutional issues, especially the methods of creating judges, the duties of judges, including ethical issues. It was not possible to neglect less pleasant facts, such as disciplinary proceedings and criminal prosecution of judges. At the same time, the work discusses not only professional judges, but also associate judges, court personnel or the institute of the so-called emeritus judge.

Within the institutional dimension, the major topic is the administration of courts and the so-called judicial self-administration, including efforts to introduce it in the Czech Republic. Judicial administration models can be distinguished into ministerial administration, judicial council model, judicial administration model and hybrid models.

The second dimension deals with the power of the judiciary in decision-making. In the introduction, the relationship between law and politics is analyzed against the background of the theory of the so-called political question. This part continues with individual institutes and examples illustrating the power relations of the judiciary and other powers. In particular, it concerns the implementation of regulations by executive bodies, administrative and constitutional justice, complaints for violations of the law, pardons and amnesties, but also the quality of the work of judges and liability for damage.

The third dimension deals with the functioning of judges and the judiciary in society. The issue of political involvement of judges in the broader sense of the word is fundamental, i.e. not only membership in political parties, but also political involvement before taking up the

position of judge, membership in the former Communist Party of the Czech Republic or kinship and friendship with politicians. From the point of view of independence, the membership of judges in associations, trade unions or their affiliation to churches and religious societies cannot be neglected either.

Another area of currently resolved issues is the public presentation of political opinions by judges, today especially on social networks. An interesting phenomenon is the participation of judges in the work of the other two powers, specifically in the creation of legal regulations or internships at the Ministry of Justice

The last dimension deals with the prosecution of politicians against the background of relations between the political sphere and the judiciary, with regard to the independence of the judiciary on the one hand and fair trial on the other. The basic difference is between cases related to political function and cases not related to politics, but with impacts on the politician's political career.

In addition to the legal-theoretical basis, the dissertation also contains political, sociological, historical or philosophical aspects. The work focuses on Czech law, but it also draws on the legislation and sources of neighboring countries, partly Swiss or English-written. The work mainly uses methods of analysis, synthesis, description and comparison. The thesis contains ongoing partial conclusions leading to a final summary.