Abstract

This master thesis focusses on the issues of sanctioning antidemocratic political parties in the Czech Republic and in the Federal Republic of Germany, as well as the discussion of the expert public in reaction to practice of the Supreme Administrative Court or Federal Constitutional Court. It is a comparative paper, therefore all issues are analysed from the Czech as well as the German point of view and the comparative chapter summarizing main coherences and differences always follows.

The thesis is divided into six parts, which aim to map the matters related to banning political parties. Firstly, the theses is focused on the regulation of political parties in the Czech Republic and in the in the Federal Republic of Germany to provide theoretical backgrounds for better understanding of the topic. Consequently, both the introduction into problematic of the concept of defending democracy and the analysis of its demonstration in the constitutional law of the Czech Republic and of the Federal Republic of Germany follow. Moreover, substantive law aspects as well as procedural law aspects of dissolution of political parties are introduced ending up with comparison of both. The thesis contains also detailed insight into Czech case regarding Dělnická strana and in German case the NPD (Nationaldemokratische Partei Deutschlands). This was performed with emphasis on new decision of the Federal Constitutional Court published on 17. 1. 2017, which was not reflected by the Czech jurisprudence yet. Furthermore, the practice of the European Court of Human Rights and its influence on the practice of both Czech Supreme Administrative Court and German Federal Constitutional Court was thoroughly examined.

An extensive literature review regarding the topic of dissolution the political parties in Czech and German papers was performed in order to provide a comprehensive insight into the expert discussion. The aim was to find out whether the are significant difference about this controversial instrument on the national level.