

Constitutionality of Reappointment of Presidents and Vice-Presidents of Courts

Abstract

This diploma thesis deals with the interdisciplinary topics of administrative and constitutional law, especially with questions of re-appointment of presidents and vice-presidents of courts in connection with time-limited periods of office. The main hypothesis considered in the context of the given topic is the unconstitutionality of the current administrative practice associated with repeated appointment as well as time-limited periods of office. The current practice of empowering the judges by performing the individual tasks of the judicial administration under the Act on Courts and Judges also constitutes deficit in the rule of law. This is quite unfortunate in the case of the judiciary, especially in the sense that the Ministry of Justice is not very active in its supervisory role. Therefore, the secondary purpose of this work is also to offer alternative, more efficient models of the current bureaucratic judicial administration.

For this purpose, the thesis is based not only on theoretical legal aspects represented by primary sources in the form of laws, other regulations and jurisprudence, together with secondary sources in the form of expert articles and other publications, but also based on its own analysis of current administrative practice, which draws mainly from countless applications on information pursuant to Act No. 106/1999 Coll., on free access to information. The description of the Czech judicial administration elaborated in the first part of the thesis is followed by a comparative part comparing the Czech judicial administration with the system of judicial administration in Germany, based on the relevant German legislation and case law, as well as on the German-speaking professional literature. In the final part of the thesis, the *de lege ferenda* deliberations are stated to solve the main constitutional law problems arising from the problems outlined in the first part of the thesis, which also makes use of acquired foreign knowledge.

The thesis confirms the mentioned hypotheses, especially in connection with the problematic application of legal institutes in administrative practice. The conclusion of the thesis is therefore the recommendation of either a well-thought-out wider reform introducing so-called judicial self-government or leaving the foundations of the current bureaucratic administrative system as they are, while widening the co-operation of the judicial power representatives according to German administrative model.

Keywords: court administration, judicial independence, periods of office