

Analyses accompanying creation of law on the example of regulation of new phenomena, the so-called shared economy

Abstrakt v anglickém jazyce

This thesis deals with analyzes preceding the parliamentary phase of the legislative process on the example of the modern phenomenon, the shared economy. In the case of regulation of a shared economy, the legislator faces a difficult task of regulating yet unregulated, and in such cases, there is a risk that in the event of an incorrect analysis, the regulation may be unfunctional and thus unnecessary. The author chose two analyzes for his thesis, namely analysis of regulatory impact assessment and related explanatory report.

The topic becomes more important when we consider that today's era is called the age of legislation. In some ways, it also offers an alternative view of improving the quality of regulation (usually laws), because although the legislator is trying in every way to improve the quality of the Czech legal system, it focuses entirely on the legislative process in the chambers of the Parliament, or adopts new adjustments for the greater transparency of the legislative process.

The thesis consists of an introduction, 6 chapters and a conclusion. The chapters are subdivided into subchapters.

In the first and second chapter, the author defines the theoretical basis of the analysis of regulatory impact assessment and explanatory reports, and explains their basic functions, especially at the theoretical level.

Similarly, in the third chapter, the author approaches the shared economy and analyzes its, not only legal, issues. He also presents two of its most important platforms, namely Airbnb and Uber.

In the fourth and fifth chapter, the author analyzes the two proposed regulations currently being discussed by the Czech legislators in the Parliament. The author analyzes these proposals, or analysis related to them, and critically evaluates them.

In the sixth chapter, the author evaluates the findings from the previous two chapters, identifies the shortcomings common to both regulations, or their analysis, and at the same time presents analysis that do not deal with the issue of shared economy but which suffer from the same shortcomings.

In conclusion, the author deals with the possible causes of identified shortcomings, analyzes them more closely and then comes up with their possible solutions, also with regard to the legislation in this area in the European Union and neighbor countries.