ABSTRACT

The presented diploma thesis focuses on the parliamentary immunity of Deputies and Senators in the Czech Republic and consists of two not explicitly titled parts. The first one deals with the genesis of the concept of immunity; the historical course describes the origin of the concept that goes back to the 13th century. Immunity might have been described as protection given by an English monarch towards Representatives; it gradually changed in privileged status recognition of a newly emerging institution, nowadays called Parliament. This excursion back into the 800 year history is supposed to help us understand the basic idea that the immunity of deputies or senators serves as an instrument of protection of a legislative body, or rather the Parliament of the Czech Republic. As for the immunity of deputies (senators) in the Czech Republic, relevant chapters deal with the first attempts to create functional constitutions at the end of the 19th century when Bohemia was part of the Austrian empire. Significant space is dedicated to the 1920 Constitutional Act, which may be considered as a crucial document for today’s concept of the immunity of deputies and senators in the Czech Republic. Finally, the first part includes also chapters dealing with later constitutions from 1948 and 1960.

The second part of the presented thesis covers current legal regulation of the immunity of deputies and senators in the Constitution of the Czech Republic. It describes five types of the immunity of deputies and senators in the Czech Republic. Recent decisions of the Supreme Court of the Czech Republic and the Constitutional Court of the Czech Republic are included as well. These decisions radically changed the view of the immunity and possibly caused the enforcement of change of the Constitution of the Czech Republic. Moreover, the thesis deals with a brief statistical summary of decisions of the Czech Parliamentary Chambers concerning immunity of the legislators. At the end of the thesis, various arguments shows why the immunity of legislators is an absolutely necessary instrument for the protection of the Parliament of the Czech Republic, while respecting arguments about current feeling of redundancy of this kind of protection.