

Regional rulemaking

Abstract

The diploma thesis deals with regional rulemaking with a focus on legal regulations of regions. The aim of the thesis is to explain the constitutional and theoretical anchoring of the creation of regional legal regulations, to describe the process of their creation, issuance, state supervision and repeal, and to examine the actual extent of law-making of regions.

The first part defines the basic concepts, constitutional and legal bases and conditions for making and issuing legal relations of regions, which are of two kinds. Generally binding ordinances are issued according to Article 104 Paragraph 3 of the Constitution as legal regulations in the independent competence of regions. The thesis discusses their legal nature and the need for further legal authorization for their issuance, taking into account current case law. According to Article 79 Paragraph 3 of the Constitution, regions then issue regulations for which they always need legal authorization.

The following part of the thesis is devoted to the process of creating and issuing regional legal regulations. It describes the adoption of regional legal regulations and their particulars, their publication and the possibility of repeal. There are uncertainties in the legal regulation of the issue of regional legislation, which are highlighted and offered to individual aspects of their solution with regard to opinions published by other authors. Attention is also paid to the supervision of the issuance of regional legal regulations, because the competent supervisory authorities have a significant right to suspend the effect of a faulty regional legal regulation and subsequently file a petition with the Constitutional Court for its annulment. The procedure for performing state supervision differs for both types of legal regulations, so their individual aspects are also highlighted.

The last part of the thesis offers an overview of all areas regulated by legal regulations of regions. It also contains an overview of the number of all issued legal relations of regions, with the purpose of which is to demonstrate the real extent of regional rulemaking in the areas of independent and delegated competence. The finding at the end of the thesis is that the share of generally binding ordinances is only marginal compared to the by-laws issued in the area of delegated competence and the space for autonomous law-making of regions is not used in full. Although the current case-law has abandoned a restrictive interpretation, its extent is not too large in the light of the principle of subsidiarity.

Key words: [regions, law-making, legal regulations of regions]