

ABSTRACT

This thesis deals with the issue of constitutional control of legal norms, both in general development in its historical retrospective and then it describes its functioning in the continental and Anglo-American type of legal culture. A separate part is devoted to the historical development in the Czech lands from the beginnings of constitutionality in Austria and Austria-Hungary through its development during the interwar period, repression in the period of non-freedom during World War II and communist totalitarianism after its end, up to its restoration after 1989 and the subsequent dissolution of Czechoslovakia.

Another goal of this thesis is a brief description of the current functioning of the constitutional judiciary in the Czech Republic and its comparison with the functioning of the constitutional judicial systems in selected European countries.

In conclusion, I focused on the elements of constitutional control on a European scale and on the evaluation of its importance for the legal order and for the protection of human rights and freedoms.

This thesis is systematically divided into six basic areas. The first one describes the legally consistent state as a constitutional state; the second one characterizes the constitutional judiciary as one of the guarantees of a legally consistent state; the third one describes retrospectively the historical development in general and then focusing on the Czech Republic; the fourth one, the most comprehensive one, deals with the current functioning of constitutional judicial system in the Czech Republic, including the position of the Constitutional Court of the Czech Republic, proceedings before it and an overview of individual types of proceedings; the fifth one is comparative in nature and compares the functioning of constitutional control of legal norms in continental and Anglo-American legal culture and also provides excursions into selected foreign systems of constitutional judiciary, the sixth one - the final one - provides a brief description of the constitutional review of legal norms at European level and, at the same time, summarizes its importance for the protection of human rights and freedoms.

Based on the study of the relevant issues, it was found that all study sources equally emphasize the importance of constitutional control of legal norms, which is absolutely necessary for the functioning of modern legally consistent state as an important safeguard against unjustified interference freedoms as well as guarantees of compliance of legal regulations with the constitution or the constitutional order.

When reviewing the historical development of constitutional judiciary in the territory of the Czech Republic, it is important to note that the functioning of the Austrian Imperial Court at the turn of the 19th and 20th centuries and its decision-making significantly influenced the further development of constitutional control of legal norms not only in Austria-Hungary but also in other countries. Equally indisputable are quite good decision-making activities of the Czechoslovak Constitutional Court in the interwar period. As for the renewal of the constitutional judiciary after 1989 and its current functioning, it can be added that it fulfils its role in accordance with the constitutional order of the Czech Republic, to which it provides the necessary protection and its activities both on the basis of its legal status and its decision-making, on which a democratic legally consistent state is based, as is common not only in the European context but also in the context of the democratic legally consistent - so called Western-type state.