

Abstract

The aim of this thesis is to analyze the process of changing the Czech Constitution from indirect presidential election to direct popular election. This happened in 2012 and it is the most significant change of the Czech Constitution since its adoption.

The first chapter of this thesis focuses on characteristics of a president in the Czech Republic and his specific role in the constitutional political system, which is crucial for understanding the topic.

The second chapter deals with the process of constitutional change from the indirect to popular presidential election. It describes the history of legislative bills from 1989 to 2012, when the last bill was passed by the Parliament. Also, this chapter introduces an expert discussion about this fundamental constitutional change, as well as its pros and cons. The arguments for a direct election are rare in expert discussion compare to the arguments which are against. The argumentation of the political representation is generally in favor of direct presidential elections. This is in a strong contrast with political scientists and constitutional lawyer's opinion. The strongest argument for a direct election was public demand. The fact that a direct election has no place in the parliamentary political system and has potential to deform the parliamentary system was the most frequent argument against this constitutional change.

The focus of the third chapter is on the conditions of a direct presidential election, which are defined by the Constitution and by the Direct Presidential Election Act. It also deals with the practice of the Constitutional Court of the Czech Republic and the Supreme Administrative Court of the CR. Both courts had to decide disputes about candidate's registration made incorrectly by the Ministry of the Interior. These disputes had arisen because of the unclear formulation of the rules in the Direct Presidential Election Act.

The fourth chapter is devoted to the consequences of the implementation of a direct election to the constitutional system of the Czech Republic. First, this chapter reflects preceded pro and con arguments of a direct election, taking into account the reality of the first direct election in 2013. Second, it poses a question of the possible change of the political system from parliamentary to semi-presidential. This is considered as possibly the most serious consequence of this constitutional change. The last part of this chapter is focused on a connection between a direct election and presidential activism

according to the study of professor Margit Tavits. Tavits' empirical study did not prove a connection between strong legitimacy from a direct election and presidential activism.

To conclude, the Czech president has been active political force since the first president Václav Havel. Most probably, president Miloš Zeman would be active head of state even if he had been elected by the Parliament. In general, a direct election itself does not cause presidential activism. However, in the specific political environment of the Czech Republic, it could contribute to increase of president's political power and his disposition to not cooperate with the government.

