

# **The Trust in law within the case law of the Constitutional Court of the Czech Republic**

## **Abstract**

The main topic of the diploma thesis is an attitude of the Constitutional Court of the Czech Republic towards the principle of trust in law presented in its case law. The thesis is stratified into three major sections. The first part is focused on the Constitutional Court as one of the fundamental constitutional institutions - in the beginning of the thesis highlights its substance and explains why it's case law is worth studying in detail. Considering the main topic, some aspects described in this first part are analyzed through the optics of trust or credibility. Firstly, the significance of constitutionality protection and the history of constitutional judiciary are studied shortly. Further, this part inspects the position of the Constitutional Court within our constitutional system. Also, the relationship between the Constitutional Court and general courts is studied and separate chapter is dedicated to the legislation of the Constitutional Court's executive mechanisms. Moreover, the problematics of case law as a theoretical concept and controversial questions which are regarding the case law analysed in the literature are mentioned. The first part is concluded by investigating the criticized aspects of working of the Court and its overall public image.

The second part studies the trust from sociological point of view. It encompasses explanation of the significance of trust within the society and its relation to the feelings of certainty, it also demarcates the concept of the trust according to the sociologist A. Giddens or elucidates the role of the trust in contemporary world considering the transformation of interpersonal interactions. Space is given to the relationship between the trust and law in general and to the influence of the trust on the democratic system.

The third part is built on the analysis of chosen decisions of the Constitutional Court. All the decisions are selected according to the fact that their leading argument is based on the principle of trust in law. Such decisions deal with various legal questions, whose overarching basis is represented by the principle of trust in law and legal certainty, and among which belong for example the problematics of complex and properly published legal norms, prohibition of retroactivity, consequences related to the presumption of correctness of the legal act issued by the state, or the question of the good faith of participants in the private law relationships.

The trust in law is general, however, timeless principle of law which is considered by the Constitutional Court as an essential component which is indispensable to fulfill democratic legal state. Not only for this reason judiciary ought to respect its careful protection.

**Key words:** trust in law, Constitutional Court of the Czech Republic, case law.