

Abstract

This thesis deals with the legal status of the citizen in the case of defence of the Czech Republic. It summarizes rights and duties of the citizen in this area and seeks to capture possible shortcomings in current legislation.

For this purpose, the first chapter focuses on the theoretical state science background of the relationship between the state and the citizen in defence issues. It describes the importance of defence and the reasons why the state should deal with it. Both classical state science theories and contemporary doctrine are used.

The second chapter captures the contemporary constitutional position of defence and security issues in general. It describes elementary constitutional principles that determine defence legislation and the citizen's position within. It summarizes the present-day doctrine of limitations placed upon the fundamental rights and freedoms because of defence issues. There are also descriptions of states of crisis with attention to the state of threat to state and state of war, which relate to the defence of the Czech Republic.

The third chapter deals with individual defence laws. Attention is paid to the duties and rights that legislation imposes on citizens, the methods by which it does so and the penalties for failure to fulfil these obligations. The powers of the administrative authorities are also included. It deals with limitation of rights and freedoms as well. More attention is paid to the military service obligation and its relationship to professional armed forces.

For the purpose of analogy, the fourth chapter deals with the historical legal regulation of the status of the citizen in defence during the First Republic era. It describes among others the then military service obligation. The historical background of the emergence of this legislation is described as well. It also takes a closer look to the application of these legislation during the events of year 1938 and the mobilization.

The fifth chapter summarizes some potential shortcomings that exist in contemporary legislation and may have an impact on the legal status of citizens in the case of defence of the Czech Republic. Possible solutions to these shortcomings are suggested. In this chapter are also mentioned the issues of conscription and its abolition.

Title: The legal status of the citizen in the case of defence of the Czech Republic

Key words: state defence, rights and duties of the citizen, military service obligation, state of threat to state, state of war