

Legislative process in public administration

Abstract

This diploma thesis addresses the legislative process in public administration. The aim was to approach the procedure for the adoption of legislation by the government and to describe the legislative activity of the authors of this legislation, which are the already mentioned ministries and other administrative authorities. The activities of territorial self-governing units and their procedure for adopting generally binding decrees and regulations of the municipality/region were also described in passing. The thesis reflects the important case law of the Constitutional Court specifying both the requirements for issuing by-laws based on individual types of authorization provided by the Constitution of the Czech Republic and in terms of the binding nature of the Government Legislative Rules in the form of government resolutions.

The thesis deals with the issue of mandatory requirements of the legislative acts, without which they should not be discussed by the government, as well as the position and role of the Legislative Council, which is only an advisory body to the government irreplaceable.

The issue of law-making has proved to be neither the electronic collection of laws and international treaties (eSbirka), where the paper Collection of Laws, nor the legislative process (eLegislativa), which should contribute to the clearer work of the legislators themselves. Among others is the increase in amendments to legislation in terms of their scope, which makes the law confusing and incomprehensible to its addressees or the implementation of political intentions.

In the end, proposals are formulated for partial changes in the legislative process, especially concerning the Legislative Council of the Government, which will reduce the occurrence of legislative and technical errors and contribute to greater transparency of the ordinary legislative process.

Key words

the legislative process, Legislative Council of the Government, legislative rules, regulatory impact assessment (RIA), secondary legislation