

Reproof imposed by the Ministry of Justice and the Minister of Justice

Abstract

The presented theses deals with the institute of a reproof imposed by the Ministry of Justice and the Minister of Justice on judges, notaries and bailiffs. The aim of the theses is, based on the provided information, to analyse the types of misconduct of the above mentioned legal professions for which the reproof is imposed, to determine the frequency of its use, to put the provided information into the broader framework of the Ministry of Justice's supervision in the relevant area, which always precedes the imposition of the reproof, and to assess whether the supervision by this office is carried out properly and in all the ways provided for by law. The thesis does not disregard the comparison with foreign legislation in the field of supervision and misconduct reproach to all three aforementioned legal professions or the historical development in the Czech Republic and its legal predecessor. Based on the findings, de lege ferenda proposals are formulated.

The first chapter deals with a reproof in general and presents relevant legal provisions regulating reproof as well as the judgement of the Extended Chamber of the Supreme Administrative court which is pivotal for the interpretation of this institute and draws attention to the Act No. 438/2024 Coll., which changes in a significant way already existing judicial review of reproof in relation to judges and bailiffs. The second chapter pays attention to the notarial profession, more specifically to the exercise of supervision and supervisory authorities in relation to notaries including historical development and comparison with the legislation in Germany, Austria and Slovakia, practical aspects of an imposition of a reproof and formulating de lege ferenda proposals. The third chapter presents the exercise of supervision and its historical development over judges and comparison with German, Austrian and Slovak legislation as well as practical aspects and consequences of an imposition of a reproof, difficulties of the judicial review of a reproof and de lege ferenda proposals. The fourth chapter finally deals with the exercise of supervision in relation to bailiffs, comparison with German, Austrian and Slovak legislation, practical aspects of an imposition of a reproof, judicial review of a reproof and de lege ferenda proposals.

Key words: reproof, supervision, Ministry of Justice, judge, notary, bailiff