

Supreme Court and Its Role in the Court System

Summary

The target of my diploma work titled "Supreme Court and Its Role in the Court System" is in particular to inform the readers about the activities, functions and composition of the supreme body of judicial power and to analyse the individual unifying functions of the Supreme Court, i.e. crucial functions from the viewpoint of unification of the decision-making practice of courts of lower instance. I believe that this work provides a complex view of these issues to the readers and contributes to understanding of the essence of this supreme judicial institution and enables the readers to make their own ideas how the Supreme Court is successful in pursuing its mission in a legal state.

My diploma work consists of six chapters. The first chapter contains a definition of the Supreme Court of the Czech Republic and a historical outline of its most important stages in the development of decision-making activities since the establishment of the Czechoslovak Republic.

The second chapter includes information for the reader about the internal organization of the Supreme Court, which enables the reader to better understand which collective bodies decide on individual matters under the powers of the Supreme Court of the Czech Republic and what is the composition of such bodies.

The most comprehensive third chapter focuses on key tasks fulfilled by the Supreme Court within the framework in the system of general courts. Individual unifying functions include decisions on higher recourse proceedings as an extraordinary remedy, taking a stand, decision-making activities of big committees' senates and, last but not least, issue of the Collection of Court Resolutions and Standpoints.

In the subsequent chapter, I briefly mention further activities of the Supreme Court by which the court participates in expert activities in

the field of law, in particular legislative, training and publication activities. This chapter also includes activities of the foreign department of the Supreme Court and its international activities.

In the fifth chapter of my diploma work, I acquaint the reader with the importance of the court law as the relevant source not only in the countries of the Anglo-American legal culture, but also in the Continental Europe, including our republic, and I also focus on the argumentation liabilities of judicature.

The last chapter of my diploma work is focused on a comparison of the activities of our Supreme Court with the activities of one of the most powerful American institution, whose judicature has an extraordinary influence on the judicature of European constitutional courts and, following its example, constitutional courts in the Continental Europe since late sixties focus their attention exclusively to the protection of fundamental rights and freedoms.

The main purpose of my work was *inter alia* to assess the current position of the Supreme Court and how it is successful in fulfilling the individual unifying functions that are relevant for its activities. Although the Supreme Court was criticized regarding its past activities, I believe that after 15 years of its existence it is one of the most important guarantors of the right to a just process in our country and significantly contributes to unification of decision-making activities of courts of lower instance. If we want to assess the existing regulation of civil higher recourse and higher recourse proceedings as such, it is desirable to mention the necessary change of procedural regulations concerning higher recourse proceedings that would restrict the admissibility of the most numerous duties of the Supreme Court and the extent of the necessary review within the framework of higher recourse proceedings. I firmly believe that a certain resolution will be realized in the near future that would help to reduce the number of challenged matters, and that in the future the Supreme Court will consider only essential and complicated cases.

Nejvyšší soud ČR; sjednocovací činnost; soudní judikatura
Supreme Court of the Czech Republic; unifying activities; court
judicature