

Summary

The constitutional presidential decree no. 33/1945 Coll. and its meaning in the Czech republic law system.

My interest in this topic woke up many media cases involved aristocracy and major capital owners, who during the 2nd World War changed of the nationality and signed up for Germans, moreover participated in breaking down of Czechoslovakia. The aim of this thesis was trying to understand this period issue, with respect to historical and actual jurisprudence.

These presidential decrees has always represented a symbol of national pride and glory for me, however, the major part of community associated them solely with deportation German minorities from Czechoslovakia. The reason for pride is the highest moral and professional standard of the political representation, who was able to create and establish oneself as government recognized as representative of Czech nation by most other states. This government, working in exile (contemporary in England), was headed by the president, Edvard Beneš, well known and respected by the whole world. This political compilation prepared conditions of post-war situation and reconstruction in Czechoslovakia in many fields. It should be highlighted, that the transfer of German and Hungarian minorities was not only problem of Czechoslovakia, but it had been done as a result from decision taken by victorious powers on the post-war international conference in Postdam.

The thesis is composed of seven chapters.

The key concept of the Constitutional decree No. 33/1945 Coll., is the concept of citizenship, the status, rights and duties of a citizen. First of all, it is necessary to analyze the development and progress of this concept, to understand the importance of the decree and reasons for incorporation into domestic law.

Chapter one introduces the legal concept as itself and compares with perceiving of it at the beginning and in the end of 20th century. There is also the outline of specific nature of this legal institute, in respect of international law.

Chapter Two explains the origins and meaning of legal institute of „home right“ and its link to citizenship, because citizenship was tied up to a particular „home right“ of citizen.

Chapter Three depicts the development of the citizenship in Czechoslovakia in the first half of last century. Large group of Czechoslovak citizen have lost their citizenship in favor of Germany, and these acts of treason against Czechoslovakia, decree had to corrected.

Chapter Four, which is subdivided into three parts, shows the reasons for enactment of the decree and the chosen legal form of presentation. These reasons have been taken by the Minority Policy of Czechoslovakia after 1st World War, which I mention in part One of this chapter. Part Two focuses on the importance of the Institute of expatriation in legal system and the consequences of the absence of this institute. Part Three follows the development of further reflection on the status of national minorities in Europe, at national and international level.

Chapter five analyzes the structure of the decree and results for the citizenship of people. The decree confirmed the validity of naturalization acts of German Reich, as well as the loss of czechoslovak citizenship. Precondition for exempting persons from these measures were only maintaining loyalty to Czechoslovakia and to Czech nation.

Chapter Six gives an overview of other decrees, regulating other circumstances, in response to citizenship. Other decrees regulate the conditions of punishment for committing a war crime, prosecution of war criminals and collaborators. Other decrees fell into the sphere of economic rights of individuals and legal entities. Property that was confiscated, served to cover czechoslovak reparation claims against Germany, for damages caused by occupation and war.

Finally, chapter Seven, focuses on problems, that originate in the restitution legislation of the Czech Republic. In the 90th years of 20th century, the legislation has been adopted in order to alleviate some injustice, which may have occurred in several years that followed the war. Czech Republic admitted, subject to certain assumptions, the recovery of valuable property to its original owners. These conditions were particularly

conservation or recovery of Czechoslovak citizenship, of the original property owner. The restitution legislation follows the issue of restitution cases, employing fairly intensively our judicial system. Some of these Cases are not resolved today.