

Abstract

The purpose of my thesis, bearing the title “*The principle of draft rigorousness (rigor cambii) in the perspective of Czech substantive and procedural law*”, is to analyze the term of draft rigorousness as well as to consider its influence on chosen institutes of the draft law. The reason to choose such topic for my thesis is my deep interest in this area of law, thanks to its precise regulation and rich history of evolvement of individual draft institutes. The paper is divided into five parts, where the introductory part is followed by three major chapters and the conclusion. The first of the chapters is called The Draft rigorousness, the second The Term of draft rigorousness and the third The Individual categories of draft rigorousness.

The first chapter briefly outlines the characteristics of draft law as such with reference to the rigorousness of draft law in comparison to the general legal regulation. Furthermore it provides a comparison of the continental and Anglo-Saxon draft law in terms of formality and rigorousness of the regulation.

The second chapter of my thesis focuses on the term of draft rigorousness itself and attempts to define its substantiality. The issue studied is whether to understand the term of draft rigorousness only as an attribute of the draft regulation, or if it should be viewed as a legal principle.

The third chapter discusses the individual categories of the draft rigorousness from the points of view of the substantive, procedural and financial law regulation respectively. In relation to this differentiation the paper analyses the magnitude of application of the rigorousness to certain institutes of draft regulation with relevance to critical evaluation of recent judicial decisions concerning those institutes.

In the last part the paper states the conclusions that I have arrived to and puts them in concrete contexts. Based on the analysis of the term draft rigorousness, I have arrived to the conclusion, that it cannot be viewed as a principle of law as such, but has to be always considered in the relation to the precise legal regulation, relevant to the situation. It is these characteristic attributes of the draft itself that have to be considered with heightened level of rigorousness and at last give the term draft rigorousness the full meaning.