

Summary:

Constitutional judiciary in Spain

The subject of this thesis is constitutional judiciary in Spain. According to the Spanish Constitution of 1978 Spain belongs in the group of states which have established a system of concentrated and specialized constitutional judiciary. In the Czech legal literature is the Spanish constitutional judiciary mentioned mainly as a system based on the German constitutional judiciary, writings dedicated exclusively to the Spanish system are not very common. In spite of the fact that the legislative regulation of the Spanish Constitutional Court was really importantly inspired by the regulation of the Federal Constitutional Court of Germany (especially in the area of competencies of the Constitutional Court), there are also some significant particularities and typical features of the Spanish Constitutional Court which can be an interesting subject of an analysis.

The aim of the thesis is to provide a characterization of the Spanish constitutional judiciary. Because of the limited length of the thesis this study does not contain a detailed analysis of all aspects of the Spanish constitutional judiciary. I have focused only on some topics of the Spanish constitutional judiciary, particularly on the topic of the position and the importance of the Constitutional Court in the Spanish constitutional system and in the Spanish society as well, on the legislative regulation of the constitutional judiciary, on the designation and the status of judges of the Constitutional Court, on the organization of the Constitutional Court and on the competencies of the Constitutional Court. The thesis also analyzes history of the Spanish constitutional judiciary. The topic of history of the Spanish constitutional justice is very interesting because of an early beginning of the constitutional judicial review in Spain which was unfortunately completely paralyzed in the period of the Franco regime. The actual position of the Constitutional Court in the Spanish society is considerably endangered and the Court's legitimacy is in an extremely weak position. Because of this reason the thesis also points out some problematic areas of the current Spanish constitutional judiciary, above all the delay of the Court's renovation, the question of the bias of a judge and some very controversial sentences of the Constitutional Court.

The thesis is based predominantly on the research of the Spanish legal literature and other Spanish sources. The principal aim of the study is not a comparison of the constitutional judiciary in different states, nevertheless sometimes I point out the legislative regulation

in other European countries or I compare some aspects of the Czech constitutional judiciary with the Spanish system.