

Summary

The aim is to answer the question of whether effective control mechanisms exist in the Czech Republic which would guarantee the fulfilment of legal regulations by municipalities and regional authorities dealing with public property. It is also my aim to explore whether such control mechanisms result from the constitutionally guaranteed rights to local government and, if they do, to what extent they may be incorporated in the Czech legislation.

My diploma thesis is based on specific case studies, the case law of general courts and the current jurisprudence of the Czech Constitutional Court. After the description of the current state of affairs in the Czech Republic, I further focus on the definition of the control mechanisms of local governments in Czechoslovakia between the two world wars (1918 - 1938) and partly also during the Austro-Hungarian Empire. This diversion leading to this era has been selected to reflect the efforts to resume the local government traditions in the context of the renewal of the local government scheme in the Czech Republic after 1989. It is proven towards the end of the historical survey that unlike today, there were effective control mechanisms available before World War II, with several alternatives.

The thesis also compares the legal regulations beyond the control mechanisms of local government schemes outside the Czech Republic, specifically in neighbouring Slovakia and Germany. The local government system in Slovakia is based on the joint Czechoslovak legal model, while the German model focuses on management controls which are similar to the historical model of Czechoslovakia before World War II. Towards the end of this chapter, I state that both systems (Slovakia and Germany) currently have more effective control mechanisms in place than what is available in the Czech Republic.

The next chapter describes former legislative efforts aimed at the correction of the current legal status, which in a complicated manner transfer the effective control of local governments under the competences of the Supreme Public Prosecutor's Office. I consider the choice of this authority for the control of local governments very questionable. The conclusions of the thesis include the "de constitutione lata" and "de lege ferenda" considerations, and a statement according to which there are currently no

effective control mechanisms in place in the Czech republic (also owing to the attitude of courts).