

Abstract

The dissertation deals with the municipal self-government specifically focusing on its theoretical and historical background. The aim of this work was to elaborate the municipal self-government, not only to transcript or write a comment on the legal regulation, but also to inspect the assigned problem by the optics of legal theory, legal history and political science perspectives. This dissertation should provide a comprehensive perspective on the issue of municipal self-government, not only in its current legal regulation, but also identifying its theoretical backgrounds and historical roots.

This paper primarily defines a set of institutions that can be summarized as fundamental theoretical aspects of public self-government (emphasizing the specifics of local or municipal self-government). In the context of the origin and development of modern public administration the work examines the main causes which led to the incorporation of elements of self-government into the modern administration. These reasons proceed not only from its historical and social roots of communal co-existence of human society, but are significantly based on political ideals forming the vertical division of public authorities within the natural effort of inhabitants in discharging from the traditionally centralized state structures.

A key characteristic, from which the self-government also derives its designation, is a non-subordination of the state as the primary representative of public authority (public power). This fact subsequently derives autonomy in the exercise of conferred sovereign powers. According to the traditional European point of view the state is the primary holder of public power, therefore as public self-government is perceived mainly the body different from the state. The thesis is concerned on principles that cause such "separation" from the state (primarily the principles of decentralization and subsidiarity), as well as defines the theoretical approaches that doctrinally perceps the self-government.

Attention is paid to substance of the self-governing body and the characteristics of its internal functioning. Entities self-governmentally endowed had initially rather private nature, until eventually prevailed public access to them. The most often used entities were the self-governmental with corporate character or unit with at least some corporate characteristics. Decentralization and autonomy were most often accorded to so-called public corporations or (less often) bodies standing on the boundary between public corporations and units characterized by some other form of public institutions.

The main attention is paid to entities built on the territorial basis, i.e. territorial self-governing public corporations. Throughout Czech history, there were more types (or degrees) of local self-governmental units. Of all the possible public corporations, the work focuses on municipalities.

To understand the municipalities as a whole it was necessary not to only study the characteristics shaping their nature, but also investigate the state's position and relationship of the state towards the municipal self-government as significant indicators. One of the prerequisites processed in the dissertation is also the premise that the nature of the relationship between state and local self-governments depends upon the prevailing theory

leading in a particular case, respectively which was used as the basis of creating the appropriate self-government.

Knowing the defined theoretical backgrounds, the dissertation presents the historical development of the municipal self-government, which analyzes the applicability of each of the identified theoretical principles. The historical interpretation is not limited only for the recent past, but is also paying an attention to the chosen medieval institutional predecessors of the modern municipal self-government.

However, the main emphasis is still placed on the development of municipal self-government after 1848, since when we can talk about it in its modern form. In particular, since the restoration of constitutionalism (after removal of Bach's neoabsolutism) there is an era of flourishing municipal self-government as well as relative stability of its legal regulation. This continues until the fall of the monarchy and the establishment of the Czechoslovak Republic, though at this time it was already possible to identify some efforts – although often understandable – to limit self-government in favor of a centralized power of the state.

Over the *intermezzo* of the Protectorate of Bohemia and Moravia the explanation continues to the period of interrupted development of municipal self-government represented by the system of national committees persisting for four decades of the 20th century. Just in the early 90s basics of the municipal self-government had to be reestablished and restored on its historical tradition. The work here focuses on the identification of key historical roots of municipal self-governmental institutes, some of which date back to the mid-19th century, but others – perhaps paradoxically – are based on the logics and constructions used in the communist system of national committees.

In the conclusion of the work both subtopics of the dissertation, figuratively speaking, intersect. Current form of local self-government is analyzed on the theoretical bases described above and historical interdependences of its roots are mapped. Some considerations *de lege ferenda* then follow the final explanation.