

## **KEY WORDS**

Japan, administration, self-government, comparative law, municipality, region, prefecture, principle of subsidiarity

## **ABSTRACT**

The aim of this thesis is to provide an analysis of the main differences and similarities between the legal conception of local and regional self-government in Japan and the Czech Republic. As there are not any comparable papers dealing with this topic so far in the Czech legal literature, the author discusses first in each chapter the typical features of the Japanese self-government, such as the constitutional foundations, the personal and territorial dimension of Japanese prefectures and municipalities etc., and then compares them with their respective equivalents in the Czech law.

The first two chapters give an overview of the constitutional guarantees of the territorial self-government in both countries, finding great similarities in both legal conceptions, the main difference being the express provision for direct election of mayors and governors in the Japanese one.

Subsequently, the author deals with the so called basic elements of the self-government, namely population, territory and legal personality including the right to self-government. While the fundamental features of them remain the same in both countries, differences arise in the definition of a municipal (or regional or prefectural) citizen, as well as in the process of possible territory changes and the conditions under which these may happen, some of them

resulting from the fact of Japan being an island country (e.g. creation of a new island in the sea, land reclamation etc.).

Next, the differences in the range of the competences of the local public bodies are explored. While the older Japanese system of the so-called „delegated functions“ finds its similar equivalent in the Czech law, after the reform of the local-self government in Japan and the introduction of the distinction between „statutory entrusted functions“ and „local autonomy functions“ it became apparent that both legal conceptions started to drift away from each other.

The author then explores the types of the local public entities both in the Czech Republic and Japan, namely municipalities, towns, cities, statutory cities, the capital city and regions in the case of the former, and municipalities, towns, cities, designated cities, core cities, special cities, prefectures and their subclassification, special wards, local public cooperatives and property wards in the case of the latter.

Finally the thesis discusses the organisation of the municipalities, regions and prefectures and explains the main differences of thereof, which predominantly result from the Japanese conception of strict division between legislative and executive powers within the scope of the local self-government – an approach which was not followed by the Czech legislator.

Conclusions are drawn in the last chapter of the thesis. The author briefly summarizes the fundamental dissimilarities in the legal status of the local public bodies in both countries and expresses possible suggestions and amendments to be made based on the findings of his research.