

Abstract

This thesis is devoted to the inadmissibility amend the substantive requisites of the democratic law-abiding state. After the introduction of the concept of democratic rule of law itself, the author advances to the characteristics of the Constitution and its typology. Following is the definition of the concept and content of immutable requisites. Various opinion approaches to the immutable requisites as well as to the material outbreak of the constitution are presented along with the comparison to the preview of the problematics through the eyes of the Constitutional Court of the Czech Republic. In addition to the historical inquiry, the positivist and natural law view of this analyzed phenomena are outlined. Consequently, a comparison of the foreign legal regulation is performed (France, Germany, Italy, Portugal, Greece, Austria, Romania, Turkey and India).

The conclusion of the thesis discusses the protection of the material outbreak of the Constitution with focusing on the question of the authority of the Constitutional Court of the Czech Republic to repeal constitutional laws and Melčák case, whose outcome was the abolition of the law because of the interference with the substantive requisites of the democratic law-abiding state.