Summary/Abstract

Title of the Thesis: What Senate? – Position of Senate in the Constitutional System of the Czech Republic

The thesis „What Senate? – Position of Senate in the Constitutional System of the Czech Republic“ (hereinafter also the „Thesis“) discusses the legal position and functioning of the Senate of the Czech Republic. The objective of the Thesis is to highlight the basic principles of the concept of bicameral legislative bodies; mention the history of bicameral structures in the modern history of Czechoslovakia and the Czech Republic; describe the main principles of functioning of the second/high chambers in constitutional systems which could be inspirational for the Czech Senate; describe the principles of establishment, functioning and competencies of the current Senate of the Czech Republic, including the proposals for amendments of the Senate constitutional position made in the past. Furthermore, to consider the ways in which it would be possible to strengthen the position of the Senate in constitutional and political systems of the Czech Republic; suggest specific amendments to the Senate competencies aiming to ensure its position in order for the Senate to be respected not only by the political representatives, but also professional representatives as well as the general public of the Czech Republic.

After the introductory provisions, the provisions of Part 1 of the Thesis address the fundamental principles of constitutional and legal establishment of the Senate and its historical developments from establishing the first Czech Senate in 1920 until creation of the current Senate of the Czech Parliament in 1996.

In Part 2 of the Thesis, the concept of bicameralism is discussed, including the reasons and functions of the second chambers of Parliament and types of bicameral structures. Several examples of bicameral systems are discussed, namely the legal and constitutional positions of the Senate within the constitutional systems of the United States of America, Great Britain, France, Germany and Austria.

Part 3 of the Thesis focuses on practical elements of application of bicameral arrangements in the Czech Parliament. It discusses the differences in election systems in both chambers, composition and terms of the chambers, the roles of the lower and upper chamber in
the legislative process and finally the Legal Acts adopted solely by the Senate („Zákonná Opatření“).

Part 4 of the Thesis follows to review the relationship of the Czech Senate with the executive branch under the constitutional system of the Czech Republic. The relationship between the Czech Senate and the President of the Czech Republic is discussed, including the role of Senate in the direct presidential elections. The position of the Senate towards the government of the Czech Republic is noted as well.

Part 5 concentrates on the relationship of the Czech Senate with the judicial branch under the Czech constitutional system. The relationship with the ordinary courts is mentioned, but the focus is placed on the relationship of the Senate and the Constitutional Court of the Czech Republic, in particular the role of the Senate in appointing the Constitutional Court judges.

In Part 7, the Senate position towards other supreme bodies is reviewed, including that of the Supreme Audit Office, the Ombudsman Office, the Czech National Bank and Private Data Protection Office.

Part 8 of the Thesis discusses the details of the law-making process and other decision making processes in which the Senate is involved, including adoption of Senate Legal Acts („Zákonná opatření“), adoption of International Treaties, discussion of the European Union matters; discussion of security matters and the right of the Senate members for information and explanation. This chapter also attends to Senate’s internal organisation, including the position of the chairman and vice chairman of the Senate; the Senate Commissions and Sub-commissions; Petitions filed by the general public and the Senate Public Hearing.

Chapter 8 of the Thesis looks into the factual role of the Senate in the legislative process in the period after creation of the Senate (1996–2000) and more recently (2010–2016).

In Chapter 9, the Senate election within 2010–2016 is discussed and compared with the election to the Chamber of Deputies, the lower house of the Czech Parliament.

Chapter 10 of the Thesis describes the election participation within the existence of the Czech Republic in parliamentary, regional and municipal elections as well as the elections to the European Parliament.
In Chapter 11, newly established political movements and their representation in the Chamber of Deputies and the Senate are discussed. The focus is on the Public Affairs „Věci veřejné“ movement as well as the Tomio Okamura movement for direct democracy („Úsvit přímé demokracie Tomia Okamury“).

Chapter 12 covers the amendments of the position of the Senate of the Czech Republic suggested be made by (i) the Senate Commission on the Czech Constitution, as embodied in the Senate Print (Senátní Tisk) No. 84; (ii) further the amendments included in the proposal by members of the chamber of deputies, the Chamber of Deputies Print (Sněmovní Tisk) No. 359, (iii) and further the amendments included in the government proposal of constitutional act of law which shall amend the Constitution of the Czech Republic, the Chamber of Deputies Print (Sněmovní Tisk) No. 506.

In chapter 13, several conclusive overview remarks are made on the topic of election participation, legislative initiative of the Senate and representation of the political parties in the Senate in comparison with the Chamber of Deputies and stability on the Czech political scene.

Part 14 of the Thesis offers general comments on strengthening the Senate position within the Constitutional system of the Czech Republic, including the active role in the legislative proces and towards the Chamber of Deputies; regionalism of the Czech Senate, discussion of conceptual issues of public interest and other.

In Part 15 of the Thesis, the author’s suggestions for the changes in the Senate position within the Constitutional System of the Czech Republic and its rights and competencies are suggested, in the areas of legislative process, strengthening the Senate powers towards the judiciary and executive bodies, as well as in the foreign policy of the Czech Republic.

In conclusion, the author of the Thesis is convinced that the Senate has confirmed its role in constitutional system of the Czech Republic and has proven itself especially in the areas of improving the legislative process and law making, guarding the constitutionality of laws; attending to EU matters, keeping stability in the political system; involving independent personalities in public affairs, and other. The Senate, however, needs to continue to work and improve in many respects to achieve a position of a highly respected public body within the constitutional and political system of the Czech Republic.
Key words:

Senate, Parliament, Constitution, Chamber of Deputies, bicameralism, chamber, government, president, constitutional system