

## **Formation of the Constitution of the Czech Republic**

### **Abstract**

The thesis deals with the issue of formation of the Constitution of the Czech Republic. This process has not been sufficiently described yet, as the sources are limited and fragmented. Therefore, the aim of this work is to map the whole process of the formation of the Constitution following the interviews with important personalities of that time. The intention is to provide readers with an insight into this issue and to deal with some partial questions arising in connection with this process. One such issue is, for example, the question of the legality and legitimacy of the formation of the Constitution which raises the debate even with a considerable lag from its adoption, as well as some constitutional institutes which were discussed extensively during the process of formation of the Constitution and which were often results of compromises of the subjects involved in the process. It is precisely a compromise solution of a number of sub-questions that is typical for the formation of the Constitution, as well as the randomness and specificity that lined its formation. These include, for example, the entities involved in the process of the formation of the Constitution which included not only two official commissions but also some notable personalities. The ways in which this process was influenced were not always standard.

The thesis is structured into chapters that deal with the theory of constitutionalism and the context of the formation of constitutions by providing a theoretical background for the topic of the circumstances and the techniques of changes of constitutions, whether it is partial change or acceptance of completely new documents. Further, the dissertation deals with the procedural aspect of the formation of the Constitution, including the reconstruction of the succession of particular negotiations, as well as the content page. Apart from the aforementioned issues of legality and legitimacy of the formation of the Constitution, this thesis focuses in the terms of content on the development of certain constitutional institutions as well. The key consideration is to assess the impact of previous constitutional proposals within the federation and the impact of foreign constitutions on the process of formation of the Constitution of the Czech Republic, as well as the impact of particular interests of individual political entities.