

Referendum in the Czech Republic

Abstract

This thesis focuses on the issue of the national referendum in the Czech Republic, which the Constitution assumes to be held, but the general legal regulation in the Czech legal system is missing. The most extensive part of this work is therefore devoted to the drafts of constitutional acts regulating the general national referendum (hereinafter also "proposals"), which have been submitted to the Chamber of Deputies since the establishment of the Czech Republic.

At the beginning of the work, the author defines the concept of referendum and further categorizes the referendums according to the functions in which people can initiate them, the time when they are held, whether the obligation is to be performed, whether their results are binding, what their subject can be, what territory they are taking, their legislation form and whether judicial review is possible. This categorization is supplemented by examples of legal regulations of referendums from selected European Union countries (including the Czech Republic) and Switzerland.

Categorization of referendums are used in the analysis of proposals, to which the second part of this paper is devoted. It is possible, for example, to find out how many proposals were submitted to the Chamber of Deputies since the establishment of the Czech Republic. Further, who did so, what legislation they contained and what their destiny was. The author submits criticism to individual proposals and draws attention to their positive and negative aspects.

The final part of the thesis is devoted to contemplations *de lege ferenda*. There are identified the main obstacles that the constitutional drafting authority will have to deal with when approving the constitutional law on a general national referendum. In particular, the issues related to the subject of the referendum (with which of the state powers it is possible to interfere and what issues are suitable to be excluded from the referendum), the forms and the binding nature of the decisions adopted in the referendum, the right to initiate the referendum, the

quorum, the judicial review, and the information campaign (including its funding). The author also adds his view on the matter and gives reasons, as for why the chosen option would be the most appropriate.