

ABSTRACT

The aim of this thesis is to summarise the legal framework of states of crisis in legal order of the Czech Republic, to point at the main shortages and provide possible solutions. The thesis is divided into five chapters.

The first chapter firstly takes a closer look at the general conception of states of crisis defined by legal theory. Then follows the topic of states of crisis and their functioning in ancient Rome, England till the 19th century and in France and Germany during the last 150 years.

The second chapter is focused on the types of states of crisis which were known in the previous Czech legal orders. Attention is mainly paid to the state of war and declaration of war. The next part deals with the other historical states of crisis, such as those which arose originally from Austrian Emergency Measures Act, till the legislative proposals antecedent to current Security of the Czech Republic Act.

The third chapter is firstly defining current legal terms and analysing states of crisis which are regulated in the Czech legal order. The text starts with the state of danger and then proceeds to the state of emergency, state of threat to the state and to the state of war. The subchapters expound who and under which circumstances, is entitled to declare each single state. The position of selected public authorities in the time of states of crisis is shown as well.

The fourth chapter deals with the relevance of human rights in the times of emergency situations and a closer look is taken at international treaties on human rights. The key role in this area plays the European Court of Human Rights. The judgements of the Court create the limits for contracting states, therefore attention is mainly drawn to them.

The last chapter summarises the main shortages of current Czech legal framework of states of crisis. The largest issues are related to declaring states of crisis, to the legislative process in the time of such states to the insufficient substitution of the Chamber of Deputies by the Senate and finally to the weak position of the president. The possible solutions such as granting the president of the Republic stronger powers or a creation of a new organ comprising selected members of both Chambers of Parliament are outlined at the end of the chapter.

Finally, the conclusion sums up the author's findings, especially those ones related to the last chapter.

