

The Role of Constitutional Organs in Ensuring the State Security

Abstract

This diploma thesis deals with question, what role are constitutional organs, such as President of the Republic, Government, Parliament and Security Council of the State, playing in the security system of the Czech Republic.

For this purpose, the thesis shows the constitutional system of the Czech Republic on the example of position of President of the Republic. Main part of the thesis is based on analysis of President's status as Commander in Chief of armed forces because of the lack of complex attention of Czech constitutional doctrine. According to that, the thesis describes Czechoslovak constitutional development in the first place and compares it with present legal framework. The thesis uses all methods of legal interpretation from the constitutional point of view as well as knowledges of other academic disciplines and interprets the constitutional terms “armed forces” and “Commander in Chief”. This interpretation is followed by the criticism of statutory regulation and assess the content of Commander in Chief's authority.

The thesis express other presidential activities with security dimension, too. The thesis especially justifies presidential rights and competencies in connection with intelligence agencies.

In other part, the thesis characterizes two special competences of Government and Parliament - the authority to decide essential security issues and the role in maintaining civil and democratic control of state armed bodies, agencies and corpses. It details especially historical and theoretical grounds of these competencies, the matter of military deployment in foreign countries and latest changes of legal regulation of supervision over the intelligence agencies.

The conclusion of the thesis points up some special constitutional organs, which deals with the security topics. In this place, the thesis illustrates Czechoslovakian legal development and explains the differences between the proposal and the passed version of Constitutional Act on the Security of the Czech Republic relating to Security Council of the State. Last sentences expose the current structure of Security Council of the State.

Keywords: Constitutional Organs, State Security, Commander in Chief