

Marcin Czyżniewski

Nicolaus Copernicus University (Poland)

ORCID: 0000-0002-3227-0035

e-mail: mcz@umk.pl

Dispute over the Powers of the President of the Czech Republic

Abstract: This article aims to analyze disputes and discussions on the powers of the President of the Republic, which have been happening since the establishment of the Czech Republic in 1993. These occurred when the President tried to interpret the provisions of the Constitution, took actions beyond their framework, or considered that his powers did not impose an obligation to act automatically. The disputes over the President's powers were, therefore, not the result of theoretical discussions on the constitutional order of the Czech Republic, but were the result of the President's involvement in the political life of the country, and above all, the decisions that did not correspond to the opinions and actions of the government. Disputes did not have an impact on a permanent change in the constitutional order. For example, there was no reason for an amendment to the Constitution that would extend, restrict, or clarify those powers.

Keywords: *Czech Republic, political system, Constitution, executive power, presidential powers*

Introduction

The President's powers in the democratic system are an important subject of analysis in comparative studies, both political and constitutional. Brunclík and Kubát (2016, p. 628) stress the importance of studying the President's powers in the context of a democratic regime, pointing out that these powers influence the way the regime works in practice and make it possible to distinguish different types of regimes from the point of view of their functionality. The scope of the powers set out in the Constitution and other legal acts and the actual possibility of implementing the President's policies within it shall be examined. For researchers, particularly interesting are the cases where the President is trying to expand his limited powers by laying down a broad interpretation of the Constitution. The conse-

quence of such actions is always a dispute over the President's powers and his position in the political and constitutional system of the state.

This article aims to analyze disputes and discussions on the powers of the President of the Republic, which have been happening since the establishment of the Czech Republic in 1993. The main research problem of the text concerns the circumstances in which the disputes occurred (the adopted research hypothesis assumes that the disputes surrounding the powers of the President of the Republic were not theoretical but resulted from a concrete action of the President himself) and whether they had a decisive influence on the interpretation of the Constitution or even its amendment. In particular, it will use a method of discourse analysis and behavioral and decision-making methods, particularly regarding the behavior and actions of persons in office as the President of the Republic since 1993. It will also be helpful to analyze the contents relating to the provisions of the Constitution and the proposed amendments to their contents.

President of the Republic in the Czechoslovak and Czech Political System

Discussion of the role and powers of the President took place after the Velvet Revolution and especially during the work on the Constitution of the independent Czech Republic. Opponents of a strong head of state demanded, among others, the introduction of a broad catalog of powers requiring countersignature of the government – the most radical proposal prepared by the Left Bloc, involving the Communist Party of Bohemia & Moravia, assumed that the countersignature would be required for any presidential decision (Kudrna, 2011, p. 125). In addition to the politicians of the Civic Forum from which Václav Havel came, only one party, the Social Democratic Party (ČSSD), was in favor of strengthening the President's position (Marková, 2016, p. 207). Regardless of his political plans, Havel has publicly advocated the introduction of broad powers for the President, ensuring that they are not limited to purely protocol duties. During the work on the Czech Constitution, he wrote down his remarks and passed them on to politicians who influenced its shape (Chrastilová & Mikeš, 2003, pp. 371-389). In turn, the Czech Prime Minister, Václav Klaus, who became one of President Václav Havel's main adversaries, sought to limit the powers of the President and to converge most of the powers of the executive branch in the hands of the government.

The Constitution of the Czech Republic, drafted by the Government of Klaus, deprived the President of two important powers still present in the Constitution of the Czech-Slovak Federation: a legislative initiative and the possibility of leading a meeting of the government. Furthermore, the possibility for the President to dismiss the Chamber of Deputies has been reduced – without the political will of the members, the President has no real way of dismissing it (Marková, 2016, p. 207). Klaus also had the idea of limiting the presidential veto to constitutional laws only, but he did not convince the deputies (Syruček, 2011, p. 210). Fighting to limit the President's position, Klaus did not think solely about his relationship

with Havel but feared the permanent transfer of the political decision-making center to the Castle¹, as was the case during the First Republic (1918-1938).

In 2012, direct presidential elections were introduced in the Czech Republic (the first direct elections were held in 2013). It was a departure from one of the most permanent traditions of the system – for almost 100 years, the President was elected by parliament (National Assembly, Federal Assembly, combined meetings of the Chamber of Deputies and Senate). For the first time, the idea of direct presidential elections had appeared in November 1989 among members of the Federal Assembly (Chrastilová & Mikeš, 2003, p. 8; Marszałek-Kawa, 2010). The idea was repeatedly returned to, in 2001-2011 alone, 12 drafts of resolutions envisaging direct presidential elections were submitted (Brunnerová & Charvát, 2014, pp. 50-53). Characteristically, the discussions on the introduction of direct presidential elections were not accompanied by calls for greater powers for such an elected head of state. If the President's powers were discussed, their extension was opposed, or even their reduction was proposed. "In political and public discussions, the gap between the strong legitimacy of the president stemming from general and direct elections and his relatively weak constitutional powers was not regarded as a significant issue or an issue that needed to be carefully considered", write Brunclík & Kubát (2016, p. 636). The farthest in that regard were two drafts prepared by the ČSSD in 2007 and 2010. The Social Democrats proposed the extension of the catalog of powers requiring countersignature of the government at the same time proposing the limiting of President's immunity only to the period of holding the office, the possibility of indicting for serious violation of the constitutional order, and even remove the President from the office through a recall referendum (Brunnerová & Charvát, 2014, pp. 50-53). In the end, direct presidential elections did not limit the President's catalog of powers, and even the obligation to have the presidential decision to apply the power of pardon countersigned was repealed (Antoš, 2011, p. 28).

Regardless of how the elections were made, Czech presidents made real use of the powers set out in the Constitution and became involved in the current political life of the Republic. It can be seen that this activity most often caused discussion of the role and powers of the President and even actions that were supposed to limit them. One of the reasons why in the 1992 Constitution of the Czech Republic, the President's right of the legislative initiative has been taken away was undoubtedly the fact that Václav Havel, as President of Czechoslovakia, was happy to exercise this right. In turn, in 1998, the Social Democratic Party (ČSSD) signed an agreement with the oppositional center-right ODS (the so-called opposition agreement), that was, among others, an expression of opposition to Havel's active domestic policy, especially during the 1996-1998 government crisis (Kopeček & Mlejnek, 2013, p. 54). One of the points of the agreement concerned the preparation of constitutional amendments "detailing the powers of the various authorities" (Czyżniewski, 2012, pp. 217-223).

¹ The Castle (*Hrad*) is common name of the office of the President of the Czech Republic. It comes from the Hradčany Castle in Prague, where the president's seat is.

In 2003, President Havel's last term ended, and Klaus succeeded him. Not only did he not limit the political activity for which he had so criticized Havel, but he increased it by trying to create a centralized power center from the office of the President on both internal and international issues (especially policy towards the European Union) and taking advantage of all doubts about the constitutional powers of the head of state. It came to it that when Klaus was finishing his second term, the Senate voted to bring him before the Constitutional Court for high treason.

Powers of the President of the Republic and Their Interpretation

The provisions concerning the President of the Republic are contained in Articles 54-66 of the Constitution of the Czech Republic, chapter III "Executive Power" (Ústava České republiky, 1992). In Article 54, the President is referred to as the "head of state" (*hlava státu*), but the Constitution does not introduce any hierarchy of executive institutions and does not recognize any of them as the sole holder of the executive power. Executive bodies shall be considered bodies operating in parallel, interconnected with mutual relations, and having autonomous powers (Klíma, 2005, p. 286).

In literature, one can encounter the view that the President of the Czech Republic should be regarded as the fourth authority, *pouvoir neutre*, a bipartisan arbitrator and guardian of the Constitution (Antoš, 2011, p. 29; Šimíček 2008, p. 130). The President of the Republic exercises the prerogatives of the executive power specifically identified by the Constitution or Acts. At the same time, the government may undertake all necessary tasks, except for those specifically entrusted to the President or expressly entrusted by a provision of the Constitution or to other authority (Jirásek, 2009, p. 96).

The powers of the President are contained in Article 62 and 63 of the Constitution, the powers listed in Article 62 being exclusive powers (prerogatives) and those listed in Article 63 require countersignature from the Prime Minister or a member of the government designated by him.

Among the powers of the President of the Republic, by far the most frequently discussed was the appointment and dismissal of the government, the Prime Minister, and individual ministers. Under the Constitution, the President appoints a Prime Minister without the participation of other bodies, except if the new government does not obtain a vote of confidence in parliament twice, in which case the President appoints the Prime Minister at the request of the Speaker of the Chamber of Deputies. Václav Klaus established his first government a year and a half after becoming President. During the term of office of the Chamber of Deputies, Social Democratic Prime Minister Vladimír Špidla resigned. He was succeeded by the new Social Democratic leader Stanislav Gross, who, like Špidla in 2002, faced the difficult task of building a government majority (the Social Democrats had only 70 members in the 200-member Chamber of Deputies). Klaus refused to form a new government, demanding that the Prime Minister submit a list of 101 MPs who would vote in favor

of the vote of confidence. The construction of a majority coalition was all the more difficult because Klaus set two more conditions: the new government was not a slightly improved version of the Špidla government, and communist party representatives could not enter the coalition. President Klaus entrusted Gross with conducting talks with potential coalition partners but did not officially appoint him as Prime Minister. In the end, Gross managed to find a majority based on the same coalition that formed the previous government and with one vote of advantage over the opposition. Gross's government survived only nine months. In the spring of 2005, the KDU-ČSL authorities announced that, due to ambiguities regarding the prime minister's purchase of expensive housing, the party was leaving the coalition, and three ministers who represented it were resigning. Klaus again did not limit himself to fulfilling his constitutional powers – he informed that he acknowledged resigning, which does not mean that he accepts the resignations themselves. The exit of the KDU-ČSL from the coalition again created the danger that the Communists would enter the government. Klaus wanted to lead to the resignation of the entire government and the call for new elections or extend the life of a minority government by up to a year and a half until the next elections (Kopeček & Mlejnek, 2013, p. 58). It was on the occasion of the 2005 government crisis that Klaus uttered words that perfectly illustrated his attitude to the powers set out in the Constitution: “The President is not a robot that can be programmed according to a few words in the Constitution to say yes/no” (Brunclík, 2008, p. 305). In the end, the crisis was overcome by political solutions – KDU-ČSL returned to the coalition after a change of prime minister.

Discussions around the powers of government were returned to after the 2006 elections when the center-right ODS returned to power. The coalition that managed to form had exactly half the votes in the Chamber of Deputies, and the government headed by Mirek Topolánek did not win a vote of confidence for the first time in the history of the Czech Republic. President Klaus did not decide to seek a new prime minister but entrusted the mission of forming the government again to Topolánek. Jirásek (2009, p. 102) acknowledges that, although the Constitution does not prohibit such a step, the President's position was a kind of veto over parliament's decision not to grant a vote. After two months, Topolánek presented Klaus with the composition of the government. He rejected the proposal, arguing that the chances of obtaining a vote of confidence this time are small. Even though they came from the same party, it led to the first public clash between Topolánek and Klaus. The Prime Minister accused the President of violating the Constitution by refusing to appoint a government in the proposed composition. Equally debatable was the conduct of President Miloš Zeman, who in 2018 did not accept the resignation of Andrej Babiš' government for six months, even though, according to constitutionalists, he should have done so immediately. At that time, politicians had the idea of introducing a constructive vote of no confidence into the legal order, but this idea was not implemented.

Czech presidents have also interfered in the composition of the government, even though it is formally the exclusive competence of the Prime Minister. For the first time, the dispute

over whether the President could refuse to appoint a particular minister took place in 2001, when President Havel, for several weeks, refused to accept Miroslav Grégr to become deputy prime minister in Miloš Zeman's government. In 2005, President Klaus refused to appoint David Rath as Minister of Health in the government of Jiří Paroubek, arguing that Rath was the President of the Czech Medical Chamber, which would lead to a conflict of interest. Prime Minister tried to circumvent the presidential opposition by appointing Rath as deputy minister. Eventually, Rath resigned from his position in the Medical Chamber, and Klaus handed him a nomination as Minister of Health. President Zeman spoke of his many reservations about the proposed composition of the government in 2014.

The most serious political and constitutional crisis related to the President's power to form a government occurred in June 2013 following the sudden resignation of Petr Nečas' government². After several days of consultations, President Miloš Zeman announced that he would not entrust the mission of establishing a new government to a politician from any parliamentary party, but the non-partisan economist Jiří Rusnok, former Minister of Finance and Industry and Trade in the Social Democratic governments. The surprise with the President's decision was all the greater because the previously ruling ODS was able to form a coalition government with the TOP09 and LIDEM parties and had its own candidate for prime minister, Miroslava Němcova (Novotný, 2019, p. 124). In turn, the two largest opposition parties, the Social Democrats and the Communists, opposed forming a new government altogether, hoping to win early elections. Therefore, President Zeman's decision was contrary to the will of almost the entire Chamber of Deputies. The government was formed by several people associated with Zeman's small party, which did not have a representation in the Chamber of Deputies. As Hloušek wrote: "Rusnok's government was seen from the outset as Zeman's government, both by its opponents and supporters. This is the right assessment in the sense that Zeman was the founder of this government and his opinions, even if not expressed explicitly, were taken into consideration" (Hloušek, 2014, p. 111). The establishment of Rusnok's government was an attempt to subjugate all executive power and strengthen own position at the expense of parliament, or at least a test of power between the President and parliament. It was a step against not a specific political environment but against parliament as such. This attempt was important because it took place in the first months of the term in office of the first president from the general election; therefore, it might have formed the relationship between the most important constitutional bodies in the Republic for a long time.

President Zeman's decision sparked a heated debate among both politicians and constitutionalists. Despite criticism of this decision, it was difficult to find a provision of the Constitution that would have been violated. The Constitution, as mentioned, does not

² The government came to an end the morning after the Government Office was searched by the police. This was because the Prime Minister Nečas and head of his office, Jana Nagyová, were accused of corruption and intelligence abuse.

limit the President's decision as to the person appointed as the prime minister. Therefore, the discussion referred to the concept of the 'constitutional custom' and the logic of parliamentary democracy in which the government is anchored in a parliamentary majority (Hloušek, 2013, p. 20). Zeman himself strongly rejected such voices, calling the notion of constitutional custom "outright idiotic". "If this was actually about the constitutional custom, it would be inscribed in the Constitution. But it's just a custom. Although elected in the general election, the President cannot change the Constitution, but he has an obvious sacred right to change customs that are not anchored in it" – Zeman argued (*Rozhovor prezidenta republiky*, 2013).

The Constitution does not explicitly state that the President must entrust the mission of forming a government to the representative of the strongest party. The fuse to prevent the deliberate election of a candidate for prime minister who has no chance of obtaining a majority and thus to trigger a parliamentary crisis and to call new elections is a provision that allows the President to identify a candidate in only two attempts and, in the event of their failures, transfers that competence to the Chamber of Deputies (Kysela, 2006, pp. 16-17). However, as a general rule, the President has complete freedom to choose a candidate for prime minister, and all Czech presidents have made use of this opportunity based on political rather than constitutional arguments.

Both Václav Klaus and Miloš Zeman withheld the acceptance of the government's resignation or the appointment of a new cabinet, arguing it was uncertain whether they would gather the majority needed to obtain a vote of confidence. Constitutionalists agree that this is a legitimate act, based on concern for the smooth functioning of the authorities, or more broadly: the state as such (Klíma, 2005, p. 305). In this sense, the power to appoint a prime minister and a government is not merely a formality but an opportunity for the head of state to decide the political situation.

One of the most important exclusive powers is the right to send back a law adopted by parliament. The importance of the presidential veto must be seen primarily in political terms, since it is applied when the head of state does not agree with the decisions of the parliamentary majority, usually because of differing views (reservations about the legality of the resolution are implemented through a proposal to the Constitutional Court). The presidential veto in the Czech constitutional order is suspensive, as it can be rejected, with only a majority of 51% of the votes of all members of the Chamber of Deputies required to reject it. Under these conditions, the veto is symbolic, limited to demonstrating disagreement with the adopted solution. The President of the Republic has the right to attend meetings of both houses of parliament, committees, and teams and speaking at his discretion. In this way, he gains a tool for influencing the shape of the adopted law, as he can convince deputies or senators to introduce specific solutions or amendments to the drafts.

The Constitution limits the right of veto only to ordinary acts (excludes constitutional acts characteristic of the Czech legal order). Article 50 of the Constitution also specifies that the President must justify referring the law to parliament. The presidential veto was linked

to a dispute over whether the President must sign the law if parliament rejects the veto. The Constitution does not resolve this doubt, but President Havel has already refused to sign the resolution, which he vetoed and which has been adopted again by the Chamber of Deputies. President Klaus went a step further by several times not signing the resolution passed by parliament and not exercising his right of veto or referring it to the Constitutional Court. It sparked discussions among constitutionalists, who stressed that the presidential signature is not an expression of approval for the resolution, but its authentication formally ending the legislative process, and leaving the resolution unsigned is a violation of the Constitution (Klíma, 2005, p. 312). The government published resolutions not signed by the President in the Journal of Laws after the expiry of the deadline, within which the President had the right to send the resolution back to parliament.

The Constitution confers on the President both the power of pardon and the amnesty proclamation, with the power of pardon being an exclusive competence and amnesty requiring a countersignature. The power of pardon is formulated broadly. The President pardons or mitigates the penalties imposed by the court, decides not to initiate criminal proceedings, and if they are initiated, on its dismissal and expunging of the conviction.

Václav Havel announced the amnesty four times: twice as President of Czechoslovakia and twice as President of the Czech Republic. Most controversial was the first and broadest of them, announced just after the Velvet Revolution on January 1, 1990. It more or less concerned almost all prohibited acts committed before it was announced (Chrastilová & Mikeš, 2003, p. 223). However, the biggest dispute was raised by the amnesty announced by President Václav Klaus on January 1, 2013, a few days before the end of his second term, on the occasion of the 20th anniversary of the founding of the Czech Republic. The President's decision was widely criticized not only because of the number of people it covered (more than 32,000). The decision to discontinue proceedings lasting more than eight years in cases punishable by a prison sentence of no more than ten years has been particularly strongly criticized. Many cases concerned high-profile financial scandals, and the President's decision deprived the victims of the opportunity to seek compensation. A group of senators applied to the Constitutional Court for a partial suspension of the amnesty, but the Court refused to accept it, arguing that it did not have such powers. Interestingly, the dispute over amnesty has also become a pretext for discussing the institution of countersignature. Prime Minister Petr Nečas countersigned the President's decision, even though he publicly criticized it. The Prime Minister explained that the countersignature is the prime minister's constitutional duty, regardless of his views.

The area where there was most often a disagreement between the President and the government was the foreign policy, with the dividing line changing. During Václav Havel's tenure, these were human rights and policy towards Serbia, during the tenure of Václav Klaus, EU affairs, during Miloš Zeman's tenure relations with Russia and China. In 2005, at the height of discussions on the so-called European Constitution, of which Klaus was a strong opponent, Prime Minister Paroubek threatened to cut the budget of the Office of

the President for foreign trips if the President did not limit his international activity. In response, Klaus recommended that the Prime Minister “re-reads the Constitution” (Kysela & Kühn, 2007, p. 105). In most cases, when there was a difference of opinion between the government and the President on foreign policy issues, the President could only limit himself to publicly presenting his opinion. Kudrna acknowledges that such activities of the President, especially if he comes from a political camp other than the parliamentary majority, can have important consequences for the state’s foreign policy but stresses that they cannot be restricted or controlled. The government has control only over those actions of the President that are legal; therefore, this does not apply, for example, to the President expressing opinions that are incompatible with the government’s foreign policy. Kudrna stresses, at the same time, that, under international law, particularly the Vienna Convention on the Law of Treaties, the head of state acquires the power to represent his state by way of office, without the need for a separate mandate (Kudrna, 2011, pp. 128-129). On the other hand, Kysela & Kühn (2007, p. 97) suggest that a literal reading of the Constitution on the joint conduct of foreign policy would require the Prime Minister to accept all the President’s speeches on international affairs.

It is part of the President’s powers to conclude and ratify international agreements. The power to negotiate international agreements may be conferred on the Government or to the indicated minister (such a decision may be general or case-by-case). In the case of the power to ratify international agreements, such a possibility does not exist. In practice, all agreements are concluded with the participation of the Ministry of Foreign Affairs. The issue of ratification of international agreements has also been the subject of disputes. In 2009, President Václav Klaus postponed the ratification of the Lisbon Treaties for several months, leading to a new debate on whether the signature of the ratification act is an obligation or merely a right of the President of the Republic. There were opinions that if there is a refusal to sign the act, the President should resign from office, and if he does not decide to do so, the possibility for the Chamber of Deputies and the Senate to decide that the President cannot hold office for important reasons – then the ratification act would be signed by the Prime Minister. There have also been calls to accuse the President of high treason. In the end, President Klaus signed the ratification act, but only after two rulings of the Constitutional Court declaring that the Treaty was not incompatible with the Czech constitutional order (Czyżniewski & Witkowska-Chrzczonek, 2010, pp. 275-279). Kudrna considers that the refusal to ratify an international agreement is, above all, incompatible with the principles of logic, since it is difficult to justify a case in which the President refuses to ratify an agreement negotiated and signed by him, or at his mandate “If the President does not agree with the content of a specific international agreement or certain provisions of it, then he should take active action when agreeing on its content. It is up to the President not to negotiate the agreement or negotiate it in specific content. However, once the agreement has been agreed and signed and the law has been adopted by both houses of parliament agreeing to ratify it, it is irrational and irresponsible, from the point of view of the interests

of the Czech Republic, to block the entry into force of the agreement on the basis of personal views. If the President negotiates an agreement or it is negotiated on his behalf, he should ratify it” (Kudrna, 2011, p. 141). In 2015, the government adopted a draft amendment to the Constitution that limited the President’s participation in negotiating and approving international agreements only to the act of ratification, but the amendment did not take effect (Vostra, 2018, p. 25).

In 2000, President Havel appointed his candidate for governor of the Czech National Bank, contrary to the opinion of the Prime Minister and the outgoing governor. The discussion around the nomination was the cause of one of the deepest conflicts between President Havel and Prime Minister Zeman. The case was ultimately dealt with by the Constitutional Court, which held that the President had absolute right to appoint the bank governor. However, it is worth noting that as many as six judges have submitted a separate opinion (Novotný, 2019, p. 123). Kysela (2006, p. 17) acknowledges that the possibility of freely electing a central bank governor is a “derogation from the checks and balances system because it depends too much on the president’s self-restriction as a guarantee of the bank’s independence”. Echoes of the discussions returned in 2015 when the Legislative Committee of the Council of Ministers adopted a draft amendment to the Constitution, according to which the appointment of central bank board members required approval of the Senate. The proposal was not adopted (Vostrá, 2018, p. 25).

No fewer discussions concerned other appointments – the President’s power to appoint judges. In 2005, President Klaus refused to appoint 32 court assessors, deciding that they were too young and inexperienced. Klaus explained that the only constitutional limitation of his powers in this regard is that appointments require a countersignature of the government. Aside from that, it is his free choice, which cannot be automatic. The dispute went to court because one of the rejected candidates brought an action before the administrative court. The President argued that administrative courts could not control the exercise of the constitutional powers of the head of state. However, the Supreme Administrative Court ruled in 2006 that if the President’s decision is an administrative decision, it can be challenged before an administrative court. The Supreme Administrative Court acknowledged that it could not force the President to make such a decision and could only conclude that the authority had to issue it immediately (Kysela & Kühn, 2007, pp. 107-108).

In 2003 and 2004, the terms of office of 12 of the 15 judges of the Constitutional Court appointed by Václav Havel expired. Klaus promised extensive political consultations in this regard, but they never took place, or at least nothing was known about them, and as a result, the Senate rejected several candidates proposed by Klaus. There was a mutual dispute, as a result of which the appointment process was extended until the end of 2005 (the President submitted candidates individually at longer intervals), and the General Court acted without a full-court (Novotný, 2019, p. 121). The President has submitted a total of 19 candidates, including one, unsuccessfully, twice. The Senate, meanwhile, has called on the President to speed up the procedure and fulfill his constitutional duties.

Conclusions

The Constitution lists the powers of the President of the Republic, yet they are the subject of discussion and dispute. These occurred when the President tried to interpret the provisions of the Constitution, took actions beyond their framework, or considered that his powers did not impose an obligation to act automatically. All three presidents who have held this office since 1993 have recognized that their powers are not an obligation, but a right of the head of state, and the President may or may not exercise them. The disputes over the President's powers were, therefore, not the result of theoretical discussions on the constitutional order of the Czech Republic, but were the result of the President's involvement in the political life of the country, and above all, the decisions that did not correspond to the opinions and actions of the government.

The dispute over the President's powers has become a permanent part of political life in the Czech Republic but has not had a decisive and lasting impact on the political situation in the country. The only exception was the introduction of direct presidential elections, but it cannot be confidently said that this was the direct result of opposition to the head of state or how the two Presidents of the Republic fulfilled their duties after 1993. Numerous disputes regarding the President's competences became the subject of analyses and rulings of the Constitutional Court. These judgments were relevant in specific cases but also influenced the resolution of similar cases in the future. However, disputes over the President's powers did not impact a permanent change in the constitutional order. For example, there was no reason for an amendment to the Constitution that would extend, restrict or clarify those powers. In most cases, the President, who has chosen to act on a broad interpretation of constitutional powers, has not been successful. These actions, therefore, became merely a symbolic demonstration of own political will. Under the Constitution, the President did not have a dominant position in his relations with the government as part of the executive branch.

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