

Summary

The secondment of a judge by the Minister of Justice

Pursuant to Article 77 of the Act on Common Courts Organisation of 27 July 2001, the Minister of Justice may second a judge for the purpose of exercising judicial function in another court as well as for the purpose of exercising tasks not related to adjudication. The monograph provides a multifaceted analysis of this legal institution.

The issues are discussed in four chapters. In Chapter One, the very concept of secondment and the genesis of the institution is discussed. In the second chapter, the subsequent amendments of Article 77 over the course of more than 20 years are presented. Selected problems related to the interpretation and the application of this provision, the functions of the institution, and statistics concerning the practice of seconding judges are also examined in this chapter. In Chapter Three, the competence of the Minister of Justice in terms of seconding judges is juxtaposed with constitutional and European standards. Chapter Four attempts to organise and describe selected consequences which result or might stem from the claim that the secondment of judges by the Minister of Justice infringes those standards. In the Conclusion, the results of this research are summarised and also a number of proposals are formulated for solving the problems identified.