

## **Abstract**

This diploma thesis deals with the issue of administrative discretion and vague legal concepts, as legal institutes, which the public administration needs in order to fulfil its targets in the ever-changing social relationships, while simultaneously not committing illegal interventions into the rights and freedoms of individuals. The first and most extensive chapter defines administrative discretion and describes the need for its inclusion into the legislation. This chapter then briefly goes into the history, which intends to remind us of the ground-breaking moments associated with the development of administrative discretion, in order to acquire a complex understanding of this institute. The following text demonstrates the extent of this legal phenomenon's possible application, deals with its embodiment into legal regulations and defines the possibility of discovering its existence, using characteristic terminology. The author further describes the basic conceptual feature of administrative discretion in the form of relative freedom in decision making process, when the administrative authority does not solely work based on a programmed machine, which mindlessly adheres to the law and spontaneously ranks specific facts under the provisions of a general regulation. The conclusion of the first part of the diploma thesis identifies prerequisites for the proper use of the right of discretion, in which the author particularly includes the sufficient detection of facts, the criteria, which it is controlled by, and adequate justification of the administrative authority's procedure. The second chapter analyzes the basic process principle of free evaluation of evidence, which is essentially related to the subject being processed. The third chapter deals with the demands that are placed on accurately formulating the legislation's text. Afterwards, the importance and purpose of vague legal concepts are identified and their characteristic properties are analysed. Finally, an analysis of the process of its interpretation and application was also conducted. The fourth chapter discusses the mutual ratio of discretion and vague legal concepts, not only pointing out their differences but also identifying their common features. There is also a description of the procedure, which the administrative authority should take in case there is a concurrent occurrence of these institutes in the same provision. The author concludes the diploma thesis with a chapter, which evaluates the possibility and scope of any possible re-examination of administrative discretion and vague legal concepts, which also considerably deals with the so-called court's moderation right.