

Reviewing the decision on an administrative delict

Abstract

This diploma thesis deals with the reviewing the decision on an administrative delict, i.e. the reviewing performed by administrative authorities, but also by courts. The objective of this thesis is to define the basic terms and principles used in the reviewing the decisions on an administrative delict, and to further focus on individual means that allow the reviewing the decisions on an administrative delict. These individual means are discussed in the thesis, and there are also outlined their problematic aspects. The partial objective is to think about the current legislation in connection with the matter, whether such amount of various means is needed and whether this purposefully ensures the fulfilment and protection of rights. This thesis is divided into four basic parts. The first chapter is dedicated to sources of legislation and the influence of international and criminal law on the reviewing the decisions on an administrative delict. In the second chapter, there are defined the basic terms of the reviewing the decisions on an administrative delict, and there are further elaborated the principles that manifest themselves in the reviewing the decisions on an administrative delict. The means allowing the reviewing the decisions on an administrative delict are subsequently divided in this thesis according to an authority which performs such reviewing. So, the individual means allowing the reviewing the decisions on an administrative delict by administrative authorities, i.e. an appeal, a remonstrance and a protest as the proper legal remedies, and review proceedings, a retrial and a new decision as the means that can be used after the force of any decision, are discussed in the third part. Also, specifics of the review of any decisions issued in order proceedings in situ are mentioned. Means leading to the reviewing the decisions on an administrative delict by courts are specified in the fourth part, namely an administrative action against the offense decision and a cassation complaint, and there are also mentioned possibilities of the reviewing the decisions on an administrative delict by the Constitutional Court and the European Court of Human Rights.