

First instance hearing of an administrative delict of natural person

Abstract

Subject of this thesis is first instance hearing of an administrative delict of natural person. It is focused on procedural rules which are provided mainly in Act No. 250/2016 Coll. on Liability for Administrative Delicts and Proceedings on Them. In addition to the act on administrative delicts this thesis analyses subsidiary application of Act No. 500/2004 Coll. Administrative Procedure Code and Article 6 of the European Convention on Human Rights focused on legal status of an accused person. This thesis aims to: define proceedings of administrative delicts; define differences between proceedings of administrative delicts and proceedings of criminal delicts; define individual subjects of proceedings regarding administrative delicts and their procedural rights and obligations focused on rights and obligations of an accused person; analyse individual stages of proceedings of administrative delicts including actions preceding the initiation of proceedings.

In accordance with the goals, this thesis characterises proceedings of administrative delicts as a special type of public proceedings in which an administrative body determines guilt of a particular person. It compares proceedings of administrative delicts and proceedings of criminal delicts. It analyses fundamental principles of proceedings regarding administrative delicts. It divides individual subjects of the proceedings regarding administrative delicts into categories of administrative body, participants and person directly affected by the administrative delict. Rights and obligations of every subject are further analysed. Finally, this thesis covers the course of the first instance proceedings regarding administrative delicts. It covers actions prior to the initiation of the proceedings, initiation of the proceedings, oral hearing, evidence supporting a decision and conclusion of the proceedings.

This thesis was written two years after the new law on administrative delicts came into force, so it points out problems which came with the new legislation. Solutions to these problems are found mainly in case law or administrative practice. The thesis provides comprehensive overview of the first instance proceedings regarding administrative delicts.

Key words: administrative delict, first instance proceedings, administrative punishing