

Misdemeanor proceedings

Abstract

This thesis deals with misdemeanor proceedings, as a part of administrative criminal law. In the beginning, the thesis distinguishes between substantive misdemeanor law and procedural misdemeanor law. Substantive misdemeanor law determines, what is misdemeanor and what administrative penalties can be imposed for misdemeanor. Procedural misdemeanor law determines the procedure of administrative authorities in deciding on a misdemeanor, rights and obligations of the parties to the proceedings and rights and obligations of other individuals involved in the proceedings.

The thesis describes in detail legal sources of misdemeanor proceedings at national level and at international level. The work also describes development of legislation containing misdemeanor proceedings and relation of misdemeanor proceedings to the administrative proceedings. Next it contains enumeration and analysis of the leading principles of the misdemeanor proceedings, including the sources of the principles and application of the principles by administrative authorities.

Individual parts of the thesis are including phases of misdemeanor proceedings and procedure before start of misdemeanor proceedings. The thesis analyses special legislation of legal authority's competence, deals with authoritative decisions of legal authorities, including decision making about rights of the injured party and rights and obligations of other persons involved in the proceedings, including the plea bargain and administrative orders.

Last, but not least, the work follows up problematics of regular appeals, irregular appeals and judicial appeals aimed at reviewing a decision of an administrative authority.

The end of the thesis is dedicated to the costs of the proceedings, to the amount of the costs of the proceedings and dependence of the cost on complexity of the proceedings and other legal factors.

All the above is analyzed in the light of very extensive developments in the case law of the Supreme Administrative Court and other courts, whose provides the legal authorities and other parties to the proceeding's reliable instructions for use and interpretation of legal norms.

Keywords: [administration, proceedings, misdemeanor]