

## **Abstract**

### **Legal concepts of administrative law restricting the right to property**

Within the legal order a lot of legal concepts can be found which restrict fundamental constitutionally guaranteed right to property, respectively which can restrict it. The dissertation focuses on analysis of selected legal concepts which are regulated by administrative law and through which is interfered with the right to property. In the Czech Republic the right to property is guaranteed by the Charter of Fundamental Rights and Freedoms and at European level by the Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms.

The thesis is divided into three main chapters which are further divided into individual sub-chapters. The first chapter deals with the characteristic, definition and categorization of particular legal concepts restricting the right to property. The second chapter focuses on the right to property itself, especially on constitutional basis, limits and its protection. In the relation to the topic of the dissertation it is also important to define how these legal concepts are enshrined in the legal order and which form of administrative activities they result in. The third chapter describes the particular forms of administrative activities in relation to the right to property.

The following four chapters focus on selected legal concepts as a result of which the right to property is limited. Attention is particularly paid to the public use which enables users to use things that are not owned by them and are publicly accessible. This is followed by further analysis of cases where public use can get into conflict with other constitutionally guaranteed right – with the freedom of assembly. The thesis also deals with the legal concepts relating to territorial restrictions of right to property, namely with the protected areas, safety zones and also with the legal concepts regulated by construction law e.g. the planning measures of construction ban.

The eighth chapter describes possibility of compensation for restrictions of the right to property, when the entitlement to compensation for specific restrictions is not regulated by special act in every case. The complexity of the evidence of the particular limitation of the right to property is analysed in ninth chapter. The last chapter of the thesis deals with the protection of the rights to the owner in relation to particular analysed restrictions of public law.

The aim of the dissertation is to comprehensively define particular legal concepts of administrative law which restrict the right to property and to analyse how, to what extent and

in favour of which interests is the limitation of the right to property implemented. Additionally, it intends to comprehensively summarize these legal concepts and explain theory and practice from the perspective of application practice. Finally, the thesis is focused on evaluation of legislation which regulates the compensation for the restrictions of the right to property, evidence of the particular legal concepts and protection of the owner against the restrictions. In context it is also assessed whether the existing legislation is sufficient as well as what type of regulatory failures can it cause.

Ultimately, the results of comprehensive analysis in this study add an extra insight to the topic of legal concepts of administrative law which restrict the right to property which the existing administrative law currently lacks.

**Key words**

right to property, public use, protected areas, safety zones, planning measures, landscape planning documentation