

Judicial review of unlawful interference in public administration

Abstract

The thesis aims at complex description of the judicial review of unlawful interference in public administration within the system of Czech administrative justice. The thesis is divided into three main parts, each of them is further divided into other chapters. The judicial review of unlawful interference is special type of action in Czech administrative justice. The thesis firstly describes what kind of activity of administrative body can be considered as unlawful interference and provides concrete examples formulated by The Supreme Court of Administrative Justice. The thesis also deals with unlawful interferences in tax search and their specifics as well as unlawful interference of security forces. The thesis also shows what can't be considered as an unlawful interference. Next, there is a short description of history of judicial review of the unlawful interference. The second part deals with the process of judicial review, jurisdiction of court, requirements of the action and its acceptability. The thesis is systematically structured based on Administrative Justice Procedure Act. The thesis describes differences between two types of action against unlawful interference. Thesis also provides information about differences between legal actions in Czech administrative justice. Second part of the thesis ends with possible court decisions and information about how judgement is formed when the plaintiff was successful. There is also a short description of remedies against the judgement of court, i.e. cassation complaint, action for a new trial and a complaint to a constitutional court. The third part deals with informations about number of action against unlawful interference during four years, length of procedure and number of successful plaintiffs. The thesis ends with thoughts of future of judicial review of the unlawful interference of administrative body.

Key words

Public administration, administrative justice, judicial review, unlawful interference, action for protection against unlawful interference