

Objection to the bias of an officials in administrative proceedings

Abstract

The subject of this diploma thesis is the analysis of the institute of exclusion from hearing and decision-making in administrative proceedings, which is enshrined in the provisions of § 14 of Act No. 500/2004 Coll. Administrative Procedure Code, including its amendments and the case law of the Supreme Administrative Court and the Constitutional Court. The diploma thesis also focuses on the concept of systematic bias, which is related to this institute.

The aim of the diploma thesis is to at least partially map the use of the institute of exclusion from hearing and decision-making in practice, as regulated in the provisions of § 14 of Act No. 500/2004 Coll. Administrative Procedure.

The beginning of the diploma thesis is devoted to the current legal regulation of the institute of exclusion from hearing and decision - making in administrative proceedings and the legal basis of the legal regulation of exclusion from hearing and decision - making.

The next part of the diploma thesis is devoted to a detailed analysis of the current legal regulation of the institute of exclusion from hearing and decision-making in administrative proceedings, which is enshrined in the provisions of § 14 of Act No. 500/2004 Coll. Administrative Procedure. In this part, the provisions of § 14 of Act No. 500/2004 Coll. Are discussed in detail. administrative rules, including current case law. This section describes to whom bias the institute of exclusion from the hearing and decision-making of a case can be applied, who can apply it and how it is decided by an administrative body.

In the following part of the diploma thesis, the concept of systemic bias is discussed. Attention is paid mainly to the development of the case law of the Supreme Administrative Court on the concept of systemic risk of bias, as well as to the second paragraph of Section 14 of the Administrative Procedure Code, which touches on the problem of systemic bias.

The next part of the diploma thesis describes research that seeks to map the use of the institute of exclusion from hearing and deciding a case in construction and misdemeanor proceedings practice, in the capital city of Prague.

The thesis concludes with considerations that seek to provide a possible solution to the problem of systemic bias, reflecting the conclusions of the research, the case law of the Supreme Administrative Court and the views of the professional public on the problem of systemic bias and its legal regulation.

Keywords: exclusion from hearing and deciding a case, bias, administrative proceedings