

Principles of administrative proceedings, abstract

Focus of this diploma thesis is the issue of basic principles of administrative proceedings, but not in terms of basic procedure principles of administrative authorities as they are set out in § 2 to 8 of the Administrative Procedure Code, but in terms of procedural principles of administrative proceedings, as rules of procedure before administrative authorities. These principles represent a key element for understanding and interpretation of the procedural process in an administrative proceeding, but Administrative Procedure Code does not contain an express codification of these principles in its text.

Goal of this thesis is to perform a detailed analysis of individual principles both individually and in context. The aforementioned principles of administrative proceedings usually occur in the form of mutually ambivalent pairs and their application during administrative proceedings presents many conflicting issues which stems from their implicitly general nature. The methodological basis of this thesis is the method of textual hermeneutics and general empirical-analytical paradigm based on the source material, which consists mainly of judgments and resolutions of the Supreme Administrative Court and is supplemented by relevant literature. The text of this thesis is divided into chapters, each of which contains either single principle or a pair of relevant opposing principles corresponding to their different approach to the course of the administrative proceeding. At the beginning of each chapter, author tries to capture the current basis of these principles in the Czech legislation, expert literature, or other documents, and connect the theoretical background with the analysis of practical application of these principles in administrative justice.

At the end of this thesis author summarizes the content and benefits of this work and pursues the influence of the principles of administrative proceedings on the perception and interpretation of procedural norms of administrative law and their importance as a unifying element of administrative proceedings for all its subtypes.

Key words

principles of administrative proceedings, judicial review of administrative acts, prohibition of reformation in peius