

Abstract

Decision, intervention and inaction of an administrative authority and choice of a type of action

The topic of the thesis is the analysis of the basic triad of types of actions applied in administrative judiciary, i.e. action against the decision, intervention and inaction of the administrative authority, as well as their blurred boundaries and the problems arising therefrom. The aim of the thesis is to present the given matters comprehensively, therefore it discusses not only the types of actions themselves, but also the administrative judiciary as such, the basic terms distinguishing the individual types of actions and an attempt to present possible solutions eliminating the problems arising from the necessity of choosing the type of action. The thesis consists of an introduction, three chapters and a conclusion.

The first chapter is devoted to administrative judiciary and is further divided into six subchapters. The first subchapter is devoted to the basic types of administrative judiciary, on the basis of which the term of administrative judiciary itself is defined in the following text of this subchapter, which is followed by an introduction of the purpose of administrative judiciary in the third subchapter. The fourth subchapter is then devoted to the history of administrative judiciary and the fifth subchapter deals with its jurisdiction. The sixth subchapter deals with a description of the dispositional principle.

The second chapter deals with the particular types of actions and their central terms. It is divided into three subchapters, each of which is devoted to one type of action or central term. While each type of action is described through the lens of the applicable legislation, as the historical development is already given in the first chapter, the central terms are described both according to the applicable legislation and in their historical context.

The third chapter is divided into five subchapters. The first three subchapters deal with the relationship of the different types of action, where, on the one hand, the dividing criterion is set out, and, on the other hand, problematic situations concerning the distinction between the different types of action are presented. The fourth subchapter, which complements the first three, deals with the specific situation of the choice of a type of action and the ex officio proceedings. The last subchapter then provides the reader with individual solutions which could lead to the alleviation or complete elimination of the problems associated with the choice of the relevant type of action.

Key words: Administrative judiciary, choice of a type of action, Supreme Administrative Court