

Reviewing of the administrative acts under the Act on the service relationship of members of the security corps

Abstract

The subject of this thesis is an analysis of the provisions of Sections 190 to 194 and 196 of the Act No. 361/2003 Coll., on the service relationship of members of the security corps (referred to as the „Service Act“), as well as comprehensive view of the proceedings on appeals and supervisory remedies conducted under this Act, highlighting problematic aspects and interpretative ambiguities in the application practice, their critical evaluation and proposing possible solutions in the form of proposals de lege ferenda.

The first part of the thesis deals with the service relationship of members of security corps in general, summarizes the historical development of the legislation concerned and offers a brief look at the service relationship of members of security forces in neighbouring countries Slovakia and Germany. The second part defines the subject matter of the service relationship proceedings conducted under the Service Act and introduces partial aspects of the proceedings in the form of the definition of a service officer, the specifics of service and the formalities of the decision in the proceedings conducted under the Service Act, and also states the Code of Administrative Procedure applies in the proceedings under the Service Act by way of subsidiary application. The third part introduces the theoretical division of appeals and supervisory remedies and related aspects, the fourth part deals with the appeal and the proceedings thereon, the fifth part deals with the remonstrance and the proceedings thereon, the sixth part presents the retrial as an extraordinary remedy, the proceedings on the application for retrial, the decision thereon and the retrial, Part Seven offers a view of the review proceedings conducted under the Service Act in procedural and practical terms, Part Eight introduces the Advisory Commission as a special advisory body of a service officer and its functioning in selected security forces, and Part Nine deals with the judicial review of final decisions issued under the Service Act.