

Remonstrance Proceedings

Abstract

The thesis deals with the topic of the remonstrance proceedings. A remonstrance is an ordinary appeal, the purpose of which is to be an appeal in cases where an appeal as we know it, i.e. with devolutive effect, is not possible. In situations where there is no natural superior administrative authority which can review the decision of the administrative authority at first instance.

The aim of the thesis is to provide a comprehensive and complete analysis of the remonstrance proceedings. The author deals with many problematic aspects that occur in the application practice and to which both the professional community and the case law had to respond and takes his own opinions on them.

Apart from the introduction and conclusion, the thesis is divided into three chapters, which are further divided into further sections.

The first chapter of the thesis is devoted to the institute of remonstrance in general and the sources of legal regulation. Thus, the author outlines the legal regulation in the Administrative Code and presents examples of modifications of the remonstrance in special acts to the Administrative Code and the reasons that led the legislator to these modifications of the remonstrance.

The second chapter of the thesis focuses on the remonstrance as an ordinary appeal, where the author analyzes the suspensive effect, its nature in relation to the appellate and cassation principles, the principle of double instance, uniformity of proceedings, and finally its devolutive effect, to which more space is given.

The third chapter concerns the remonstrance proceedings itself. Here the author discusses the whole process and the stakeholders involved, from the filing of the remonstrance to the issuance of the decision on the remonstrance, not omitting the remonstrance committees, which are the subject of an entire section of the thesis. This chapter and the thesis finishes with *de lege ferenda* considerations, where the author outlines his opinion on the realistic possibilities of changing the legislation on the appeal procedure, which in his opinion could lead to an improvement of some problematic aspects.

Key words: remonstrance, ordinary appeal, administrative procedure code