

The fate of so-called black buildings and some other buildings

Abstract

This thesis focuses on the issue of unauthorized buildings in the context of public law. The author examines the concept of building as defined by the new Building Act, the permitting processes through which builders obtain the right to establish a building, and the theoretical definition of unauthorized building in terms of public law, highlighting the classification of unauthorized buildings based on their origin into so-called "black buildings" and "gray buildings." Furthermore, the author describes the classification of unauthorized buildings by their types, the proceedings for ordering the removal of buildings, the conditions for obtaining retrospective permits, and repeated permits. In selected parts of the thesis, the author compares the new legal regulation with the old legal regulation, describing the positive changes brought by the new Building Act compared to the old one, while also focusing on potential weaknesses of the new regulation that may pose practical problems.

This work is structured into five parts, with the first part primarily focusing on defining the concept of building in terms of public building law. This section analyzes the definition of building in the new Building Act, describes the characteristics of building derived directly from the statutory definition, and those inferred from case law and professional literature.

The second part is dedicated to describing the permitting processes that result in the builder's authorization to carry out building and comparing the legal regulation of the new Building Act with the old Building Act.

The third part is devoted to the theoretical definition of unauthorized building, classifying unauthorized buildings into two groups based on their origin: buildings that have been unauthorized from the beginning and those that became unauthorized during their existence.

The fourth part focuses on buildings that have been unauthorized from the outset, classifying these buildings into individual types and analyzing the proceedings for ordering the removal of buildings and the conditions for obtaining retrospective permits.

The fifth part addresses buildings that were carried out as authorized but lost their legal status during their existence. Additionally, the author in this section focuses on the analysis of repeated permits for building.

Keywords: Building law, unauthorized building, order for removal of building.