

# **Bias of Administrative Officials**

## **Abstract**

The main subject of this thesis is the analysis of §14 of Act No. 500/2004 Coll., Administrative Procedure Code, as amended, regulating the institute of bias of official persons and the related exclusion of an official person from the hearing and decision of the case. This analysis is carried out primarily on the basis of an analysis of the Supreme Administrative Court's **jurisprudence**, rulings of the Constitutional Court and commentaries on the law coming from the professional public. Part of the thesis also deals with the institute of systemic bias and its jurisprudential approach and legislative regulation. In the thesis, I also analyse the processes after a party has raised an objection of bias or an **administrative** official has notified **his superior of his own suspected** bias.

The thesis is divided into 5 main chapters and each individual chapter focuses on a different aspect related to **the** bias of public officials. The first chapter discusses legal institutes directly related to bias of officials. The second chapter is an insight into the historical development of the legal regulation of this institute, and also a brief comparative look at the foreign regulation of bias of officials, what grounds foreign legal systems provide for the exclusion of a person from hearing and deciding a case and whether they have certain limitations of exclusion as our legislation does. The third chapter deals with bias in general and also with the case law on bias. The fourth chapter is an insight to systemic bias, the amendment to the Administrative Procedure Code relating to systemic bias and the case law relating to systemic bias. The last chapter deals with the bias of officials and the use of the institute in practice, in particular the process of objecting to bias, the process of reporting bias by an official, and generally the handling of bias by an official. The author concludes with a brief assessment of the legal regulation of bias of officials and concludes by stating that he considers the current legal regulation to be satisfactory.

**Klíčová slova: bias, exclusion of an administrative official, administrative official**