

Sanctions for administrative delicts and protective measures

Abstract

The focus of this thesis is on the phenomenon of administrative punishment. Its purpose is to summarize certain important aspects connected with the imposing of administrative sanctions and to present the classification of administrative sanctions. Thesis is based on the current doctrine of administrative law and judicial decisions of administrative courts.

It characterizes terms of sanction and punishment as understood by law and particularly in the sphere of administrative law, with notion to differences between court and administrative crimes. Thesis further analyses administrative punishment based on its purpose and summarizes the theoretical concepts, which are attributable to the purpose of punishment in criminal and subsequently in administrative law. It identifies preventive and repressive functions of administrative punishments as two most widely applicable functions.

Classification of administrative punishment is described and assessed. This classification is based on the classification of administrative crimes. Sanctions connected to each kind of administrative crimes are mentioned. As the most common administrative sanction is fine, therefore most attention is focused on this sanction. Thesis also mentions some of legal problems attributed to the imposing of administrative sanctions, especially the selection of criteria used to determine the optimal punishment. Main criteria should be severity of the administrative crime and personal situation of wrongdoer. Severity of administrative punishment should involve mainly the value of object protected by administrative punishment and circumstances under which the crime was committed. Thesis also includes the description of the development of administrative courts' opinions as regards the importance of personal situation of wrongdoer.

Analysis of punishment from the economical point of view is included in the last section of this thesis. It summarizes certain aspects of economically effective sanctions and economically effective processes of their imposing. Two crucial aspects, which should be taken into the account for the stipulation of administrative sanction, should be the severity and probability of the punishment. Situation of wrongdoer is mentioned as third, minor aspect.