

Abstract

The subject matter of this thesis is the first instance hearing of administrative delicts, where the main focus is on the legal status of the accused. Since the adjudgement on guilt of the accused is the fundamental objective of the administrative infraction proceedings, it is not conceivable that such proceedings would be conducted in his/her absence. The accused is the essential subject whose rights and obligations are mandatorily adjudicated.

Part 3 of the Act No. 200/1990 Coll., on Transgressions, is the main source of legal regulation of administrative infraction proceedings, while the Act No. 500/2004 Coll., Administrative Procedure Code, shall be used subsidiarily. These laws represent the basic legal framework for a proper conduction of administrative infraction proceedings. However it is also necessary to apply a wide range of legal principles arising out of the constitutional law and the international law. The European Convention on Human Rights plays a pivotal role since it guarantees the right to a fair trial, together with the presumption of innocence and the right of self-defense, as two integral parts of the right to a fair trial.

This thesis analyses the individual procedural rights of the accused in detail, along with their classification into appropriate stages of the administrative infraction proceedings. It also refers to the obligations of an administrative authority towards the accused, gives some practical examples of application of the procedural rights of the accused and it defines their limitations, if any exist. The thesis proves that the accused is provided with many legal instruments to defend himself/herself against the accusation of committing a transgression. Moreover, the opposite stance of the accused is examined, in order to detect the procedural consequences of the accused refusing any engagement in the proceedings.

The author of the thesis points out problematic aspects of legal elements of proceedings and suggests their possible solutions. The crucial case law regarding punishment of transgressions is summarized and a comprehensive overview of the proceedings from the perspective of the accused is presented. The thesis also deals with the main characteristics of the transgressions law in general, determines its basic legal sources and characterizes the administrative infraction proceedings as a natural part of the public administration. The main differences between the administrative infraction proceedings and criminal proceedings are defined too.