

ABSTRACT

The main objective of this master thesis is to provide a view into the development of subject matter and territorial jurisdiction in administrative infraction proceedings as a part of administrative punishment law. The thesis handles this issue in its entirety, that is from its origins up to considerations on the future legal regulation, and, furthermore, analyses the issue into more depth. The thesis relies mainly on legal regulation and relevant literature as its primary sources and is divided into three chapters.

The first chapter, firstly, deals with the development of subject matter and territorial jurisdiction in the 18th and 19th century and focuses on the formation of the concept of infraction itself, its division into the categories of administrative and judicial infraction and the gradual obsolescence of the phenomenon of judicial infraction. Secondly, it handles the transfer of subject matter jurisdiction in “judicial” infraction proceedings from administrative authorities to courts and, thirdly, defines the three bodies authorized to conduct administrative infraction proceedings.

In the second chapter, the issue of subject matter and territorial jurisdiction in the 20th century is dealt with. Its primary aim is to describe several unsuccessful legislative proposals in the area of administrative punishment law, as well as the decision making of the Supreme Administrative Court, and to analyse new trends in the area of territorial jurisdiction. These are mainly represented by the efforts to delegate jurisdiction to conduct administrative infraction proceedings to only one authority instead of dividing it among several administrative bodies. Therefore, negative aspects of such efforts are described further in the chapter, such as considerably low expertise of these authorities and attempts to circumvent the one-body rule which resulted into the formation of new types of administrative infraction. These unfortunately lack - up to the present day - any comprehensive legal framework.

Finally, the third chapter provides a comprehensive view into contemporary legal regulation. The focus is put on its development since the 1990s. The main feature of such development may be deemed to be the return to the plurality of bodies endowed with such jurisdiction over the administrative infraction proceedings. Apart from that, the chapter provides a list of bodies with such jurisdiction, as well as considerations on future legislation in this area and its possible flaws.

The final part of the thesis summarizes key facts and conclusions.