

Summary in English language

With a formation of the Czechoslovak Republic, the establishment of the final instance judicial authorities and jurisdiction was the main objective. It was a tedious process, nevertheless the judicial organisations in both Czech and Slovak Republics, were finally united. The Ministry of Justice, which was established together with others ministries by the act no.2/1918 of the law, became the final instance of the justical authority.

The subject of the dissertation is the Czechoslovakian Supreme Administrative Court in years 1918 to 1952. The beginning of the administrative justice is necessary to search already in the Austria-Hungarian Monarchy. Based on the provision of the December Constitution from the year 1867, the Empire Court was established. This institution acted in limited volume, even in the area of the administrative justice. The administrative justice was conceived as concentrated and specialised. In Hungarian part of monarchy, the administrative courts were settled later and were based on little different principles. History of the formal Austrian administration court is therefore history of the Czechoslovak Supreme Administration Court. The first foundation of the Austrian tribunal was laid by so called „December constitution“, mainly by article 15 of the state organic statute about judicial power no. 144/1867 c.l. („constitutional law“). Only some parts of the administrative justice of Austrian type were determined by this law, but those very substantial. The law got the final image as lately as so-called „October law“, was introduced. The institution was born in period of political rebirth, when ideas of the constitutional state were going to win over absolutist monarchy. In traces of this domination, the idea of legally consistent state was formed as a reaction against so-called police state.

The term „administrative justice“, is multiple-valued. Above all, it depends whether „justice“, is understood as decision-making process of independent courts (courts technically) in framework of their competence actually defined by law rules or whether we aim at one of the state features, in material point of view (searching law, arbitrating legal disputes). The first occurrence means a judicial

control of public administration by the term "administration justice". In the second case, it is "a justice finding" in the matters of "administration", which means in matters of public administration, in material point of view. Legal order generally entrusts final decision in those cases to administrative authorities, but not seldom the courts in technical meaning make a direct decision (for example a political party disbandment).

The aim of this dissertation is to bring closer beginning of the administrative justice in the "young" Czechoslovak Republic. Even if historical roots of state administration legal control reach to far past not only in our country, moreover in each of them the development was different (middle-age England- declaration of the big Bill of Rights, France- the epoch of the Big Bourgeois Revolution, Austria, Germany).

The Supreme Administrative Court was established in November of 2nd 1918 by the act no.3/1918 of the law. The attempts to bring off the principal reform of the Supreme Administrative Court were making since 1920. The new bill passed in June of 16th 1937 and was consist of 55 paragraphs. The main motivation to introduce the novel was an effort to make trial by administrative court faster and more effective. During the period of Protectorate the significance of the Supreme Administrative Court was declining. After World war II the Supreme Administrative Court was not allowed to rebuild its previous position in ours judicial system (the headquarters was moved to Bratislava). In the constitutional law no. 64/1952 of the law the administrative justice was liquidated also constitutionally. In the law about court and prosecution act no. 65/1952 of the law, there was no reference to administrative court. It means that with the date December 31st 1952 was the end of its existence both really and legally. The complaints unsolved by administrative court, have remained undecided forever.

The first chairman of the Supreme Administrative Court was Dr.Pantůček (1863-1925) and his successor was Dr. E. Hácha (1872-1945), whose name has been very often connecting with the Supreme Administration Court. In conclusion of my dissertation I'm going to bring out some causes heard by the Supreme Administration Court. All particular causes are gathered from the Findings Digest of the Supreme Administration Court, known as "the Bohuslavs Digest" (about working time, public health, agrarian reform). That digest has been provided very

relevant documents not only to authorities and attorneys, but to entire legal public. It is divided to two separate parts, administrative and financial respectively. At least one sixth of the digest is actual up to now.