

# **Punishing of administrative transgressions and the system of penalty points under the Highway Traffic Act**

## **Abstract**

The content of the diploma thesis focuses on matter of the system of penalty points and selected issues regarding punishing of administrative transgressions. The paper is composed of five parts.

Chapter One introduces Czechoslovak historical predecessors of the system of penalty points and examines the development of its current legal regulation in the Highway Traffic Act.

The second part deals with fundamental principles of the system of penalty points and particularly assesses the function of prevention principle. The following chapter analyzes the actual legal regulation of the system of penalty points. The author warns against relating insufficiencies and recommends the appropriate solution.

The goal of the Chapter Four is based on survey of the fact, whether the system of penalty points represents the sanction by its nature. The author critically researches the proportionality of the system of penalty points and its accordance with the Czech constitutional order. This chapter also concerns with judicial decisions of Czech courts and the European Court of Human Rights referring to the character of the system of penalty points.

The last chapter evaluates the proportionality and compliance with constitutionality of the fact, that the Highway Traffic Act makes impossible to release a convicted offender of breach of traffic regulations without imposing a punishment on him. From the same point of view is considered also the impossibility to abate the minimal rate of sanctions awarded for the most serious administrative transgressions stipulated in the Highway Traffic Act.