

Abstract

The decision of an administrative body under Administrative Procedure Code, the Code of Administrative Justice and in judgments of administrative court

This thesis concerns the topic of the decision of an administrative body under Administrative Procedure Code, the Code of Administrative Justice and in judgments of administrative courts. The aim of the thesis is to describe the basic features of the decision under Administrative Procedure Code and the decision under Code of Administrative Justice, their legal definition, conception and relation to the other results of activity of public administration, their division and other characteristics. Such analysis is supposed to serve for comparison of both institutes in order to draw a conclusion about their mutual conformity, resemblance and difference and because of that also their correlation.

The thesis is composed of three chapters. Chapter one defines administrative act, as concept that is universal, blanket and determinative for decision of an administrative body under Administrative Procedure Code and also under the Code of Administrative Justice and therefore using specification of administrative act is possible to specify also common components of concept decision. Chapter two successively focuses on the decision under Administrative Procedure Code and subsequently the decision under Code of Administrative Justice and describes them in detail (legal definition, conception, relation to other acts of administrative authorities, classification, etc. and above all their conception in judgment of administrative courts). Chapter three provides comparison of both concepts on the basis of facts above mentioned.

I come to the conclusion that the legal definitions of decision under Administrative Procedure Code and under Code of Administrative Justice are similar, but not coincident. It is essential to consider decision with respect to its content and not form. This principle called “content concept” is the main common element of both institutes. On the other hand the extent is the main difference between both concepts, when the decision under Code of Administrative Justice is extended.

I drew a conclusion that conformities, resemblances and also differences between decisions under Administrative Procedure Code and Code of Administrative Justice result from the aim of the legal acts.