

Abstract

This thesis deals with the application of the law on pension insurance. Thus its subject is not only the legislation itself, but this thesis is much rather devoted to the interpretation of law on pension insurance and to the limits given by the nature of the legislation, to the application practices and to the analysis of decision-making mechanism. Within the framework of this thesis the emphasis is put on the question of evidence. In this context, the work underlines the time frame of facts required to be proven and the requirement for application of already void legislation. Special attention is paid to the use of a special decision-making procedure which allows to forgive requirements for meeting legal conditions in particular cases. In this thesis I formulate arguments in favor of using the methodological pluralism rather than strict clinging to a grammatical method of interpretation, arguments for preferring principle of procedural efficiency to investigative principle in some justifiable cases and for precisely expressed binding legal opinions made by courts as outcomes of judicial review. Conclusions formulated in this thesis are based on an analysis of the legislation, literature, judicial decisions (especially made by the Supreme Administrative Court), and last but not least on the basis of my own experience with decision-making of the Czech Social Security Administration gained in a role of an official and also an applicant.