

Abstract

Title of the thesis: Administrative Offense of the Vehicle Operator

The work deals with one of the specific institutes of administrative punishing in traffic which is the administrative offense of the vehicle operator. In addition to general questions of administrative punishing or to the concept of administrative offenses under the current valid and effective legislation the thesis also includes a description of the development of the institute, its characteristics, legal base and the way it works. The interdependence of the institute with the institute of the call to the payment of the determined amount is clearly shown and graphically indicated. The thesis deals with potential interventions to certain fundamental rights and freedoms and evaluates their adequacy. The aim of the work is a detailed legal analysis of the institute of the administrative offense of the vehicle operator and also pointing out its strengths and weaknesses. The main objective of the thesis is the legal analysis for compliance of the legislation with the constitutional order of the Czech Republic.

After the introduction, in which the description of methods and objectives of the thesis are, follows a general section on administrative offenses. Its purpose is to introduce the topic of administrative punishing and pointing out its considerable fragmentation and imbalance mainly in procedural issues. Various types of administrative offenses are introduced with focus on the offense and the so called other administrative offenses, further signs of administrative offenses are distinguished.

The third part of the thesis deals with the emergence of the institute of the administrative offense of the vehicle operator and with the reasons why it was anchored in the legal system. This section shows among other things that the institute was a result of an amendment and was embodied in the legal system without much discussion within the government, respectively individual ministries. Further a detailed analysis of all relevant provisions concerning the institute is carried out and it is also in detail described how it works. In this context, it is also described the associated institute of the payment of the determined amount. Their mutual functioning is graphically illustrated. Finally, in this part it is described the state that will occur in the context of the new Act on Offenses.

The fourth part deals with the problematic issues of the institute and its critics. It analyses potential interference with the constitutionally guaranteed rights and freedoms and at the end of

this crucial part of the work the proportionality test is carried out. This part contains the answer to the question whether the institute is in accordance with the constitutional order and where its potential deficits lay.

The penultimate part contains the author's considerations on the legislation in force. The point of the considerations is the impact of the institute on the road traffic or on municipal budgets. The author also considers the institute of the payment of the determined amount and its purpose.

The last part is a conclusion that summarizes important findings and assess whether the specified targets were met.

Key words: administrative offense of the vehicle operator, institute of the call to the payment of the determined amount, administrative punishing in road traffic, constitutionality