

Every citizen of Czech Republic meets some administrative proceedings several times during his life. There are public law proceedings that manage authority of public administration in public interest. However special administrative proceedings exist, where authority decided about law among two or more sides, which any of them are not subject of public administration. There are special proceedings coming out from Administrative code using the same regulation. But they have absolutely different regime and other legal consequences concerning their judicial check up.

Judicial check up area of administrative decisions in private law cases is so much incongruous, disharmonised and with a lot of wants in law. Therefore I decided to analyse this topic and try to illustrate possible solution of this problem.

Our analysis of the regulation of proceedings under Part V of the Civil Procedure Code and objections to it result in fears that the regulation will cause problems both of procedural and substantive nature. We fear that instead of more effective protection of rights of natural and artificial persons, which represents the inherent aim of the institute of administrative justice, procedural and competence uncertainties will appear and their solution will unnecessarily delay real protection of rights. That is why we suggest that the regulation is – though belatedly – analyzed in detail and widely discussed which might lead to another solution.

This project mainly dealt with the fifth part, law no. 99/1963 Coll. of Civil Procedure Code, in later regulation wording. This relatively new part is according to author's opinion unsuccessful and it would deserve cancellation. A subject of this part should decide into judicial code administrative and civil judicial code – third part.