

# Abstract

The subject of my qualification thesis is based on the institute of moderation right of courts, with its application areas including, apart from other branches of private law (such as civil justice) and public law (such as criminal justice), the area of administrative justice. The qualification thesis consists of eight parts. Part one defines general principles of the mentioned moderation right of courts, with a focus on the right of access to court in administrative justice, and on Article 6 of the Convention on the Protection of Human Rights and Fundamental Freedoms as the theoretical basis of moderation right of courts. The first part continues with a consideration of the scope and limits of court powers when they review decisions on administrative penalties and the very essentials of the requirement for proportionality of administrative penalty. Part two begins with an analysis of the moderation notion and goes on to explain the purpose proper and the system of the moderation right of courts in administrative justice, with a consideration on how this purpose is seen by administrative courts themselves. Part three describes the individual legislatively defined conditions under which the moderation right may be applied by administrative courts, including a critical analysis of these conditions. Attention is then paid to the judicial interpretation of the conditions, often precisising or extending the terms defined by the legislation, thus predetermining success of the party placing the proposal for moderation. Part five represents a critical analysis of the procedural conditions and ways the courts may act when a proposal for moderation is raised in the course of a hearing. Part six presents selected in the past the proposed reasons for moderation and the conclusion of the court of their acceptance from the point of view of moderation. The part seven deals with the question of the impact of codification of administrative punishment in the approach of the courts to the assessment of the proportionality of the sentence. In addition to the final conclusion every part of this qualification thesis includes a final summary, especially of the problematic aspects related to the moderation right of courts. The eight chapter offers proposals *de lege ferenda* to these aspects, also with consideration of selected approaches of foreign legal systems to these issues.