

Participants in administrative proceeding and their legal status

Abstract

This rigorous thesis deals with the participants in administrative proceedings and their legal status. The aim of the thesis is to describe the legal regulation of the participants in administrative proceedings and their selected procedural rights in the Czech Republic, to point out the deficits of the legal regulation and to present proposals *de lege ferenda*. The author used descriptive method and critical analysis in writing. The thesis also contains a comparison with foreign legislation. The author draws on Czech and foreign sources. The thesis contains the author's observations on the subject.

The rigorous thesis is composed of the introduction, eight chapters and the end. In the introduction, the author states the aim of his thesis, methodology, sources, structure of his thesis and the reasons that led to the writing of the rigorous thesis. The first chapter is focused on the administrative procedure, its characteristics, division, subject and basic principles of administrative authority operation. In the second chapter, the author defines the subjects of the administrative procedure. The third chapter contains the characteristics of the participants. The author defines the participants according to the Administrative Code. The fourth chapter focuses on eligibility to be a participant. In the fifth chapter, the author analyses the capacity to be party to procedure. In this chapter, the author also discusses the general characteristics of the capacity to be party to procedure, the position of the minor child acting as a participant in administrative procedure and the capacity to be party to procedure of a legal person. The sixth chapter contains a general discussion of the rights of the participants. Furthermore, the author discusses selected procedural rights. The seventh chapter deals with the right to be represented, the right to be heard, the right to consult with counsel, the right to inspect the file and the right to institute proceedings. In this chapter, the author also draws attention to the shortcomings of the Administrative Code and suggests how to remedy them. The last chapter contains further *de lege ferenda* proposals. The aim of these proposals is to strengthen the position of the participants in the proceedings. The author points to possible sources of inspiration from abroad.

The conclusion includes an evaluation of the objectives and an overall assessment of the current legislation.

Key words

the Administrative Code, parties to procedure, procedural rights