

Protection against Inaction of Administrative Authorities

Abstract

This thesis focuses on the issue of protection against inactivity of administrative authorities within the Czech legal system. The inactivity of administrative authorities in administrative proceedings remains a relevant phenomenon, which is, however, capable of fundamentally affecting the rights and legitimate interests of the participants involved. Therefore, it is important to devote adequate attention to this issue.

This thesis provides a comprehensive overview of the protection mechanisms against administrative inactivity provided by the Czech legal order and proposes possible *de lege ferenda* adjustments to enhance its effectiveness. It proceeds logically, starting with the constitutional and international legal foundations of these protective measures. The analysis extends to delays occurring in ongoing administrative procedures, with a particular focus on defining and interpreting the notion of a reasonable timeframe as stipulated in Paragraph 6(1) of the Administrative Procedure Code. Additionally, it examines the prompt issuance of decisions, in accordance with Paragraph 71(1) of the Administrative Procedure Code, taking into account precedents from Czech courts and the European Court of Human Rights. It also discusses the absolute inactivity of administrative authorities.

Special attention is dedicated to the protective provisions against inaction of administrative authorities under Paragraph 80 of the Administrative Procedure Code, followed by an in-depth examination of requests for interventions against inactivity according to Paragraph 80(3) of the Administrative Procedure Code, as well as individual measures against inactivity under Paragraph 80(4) of the Administrative Procedure Code. Furthermore, alternative measures aimed at preventing unlawful inactivity, such as fiction of a decision and interim or partial decisions, are explored in a separate section.

Subsequently, two chapters describe the instruments of judicial protection against inaction, namely an action for protection against inaction of an administrative authority

and a subsidiary action for protection against unlawful interference, instruction or coercion of an administrative authority. Attention is also paid to the constitutional complaint, the complaint to the European Court of Human Rights and the protection provided by the Public Defender of Rights.

The next two chapters analyse the legal regulation in question as enshrined in foreign legal systems, namely the Austrian and, due to the similar constitutional enshrinement of the applicable principles, the Slovak one.

The conclusions of the above-mentioned chapters are then used in the final part of the thesis, which explores *de lege ferenda* proposals for changes to the legal regulation that are often discussed in the field of protection against inaction. Additionally, suggestions are offered by the author to enhance the effectiveness of such protective measures, ensuring that the legal framework effectively fulfills its intended purpose.

Keywords:

Inaction, Administrative Authority, Administrative Proceedings