

# **Decision-making of administrative authorities on matters of private law**

## **Abstract**

This thesis deals with the topic of decision-making of administrative authorities on matters of private law and the related issue of dualism of judicial review of administrative acts. The whole issue will first be generally introduced. This will be followed by an analysis of basic legal terms related to the topic of the thesis. A chapter on the historical development of the Czech administrative justice system will be included - the author will focus mainly on the reform of the administrative justice in 2003. Special attention will also be paid to the international context. In particular, Article 6 of the European Convention on Human Rights and its relation to cases heard by administrative authorities will be discussed. The author also deals with theories of the distinction between public and private law. In the margin, the basic features of contentious and non-contentious administrative proceedings will also be mentioned. The thesis will also discuss in detail the judicial review of decisions of administrative authorities in private law matters, the legal regulation of which is contained in Part Five of the Code of Civil Procedure. It will also include a comparison of the legal regulation of proceedings under Part Five of the Code of Civil Procedure with the legal regulation of proceedings on actions against decisions under the Administrative Procedure Code. In relation to the review of administrative decisions, the author also addresses the issue of competency disputes resolved by the special panel established under the Act No. 131/2002 Coll. In addition, the thesis will analyse in more detail three selected areas in which administrative authorities are empowered to decide on private law matters, namely proceedings for the authorisation of entry into the Land Register, expropriation proceedings and proceedings before a financial arbitrator. Apart from the above, the presented work will also focus on the possibilities of future development of the legal regulation of the dualistic model of review of administrative decisions. In this regard, attention is paid to the expected recodification of civil procedural law in the form of the new Civil Procedure Code.

**Keywords:** decision-making of administrative authorities, private law matters, dualism of judicial review of administrative acts