

The Administrative Order Proceedings on Administrative Offence

Abstract

The subject of this thesis is The Administrative Order Proceedings on Administrative Offence. The aim of the thesis is to describe this procedural institute of administrative punishment through its characteristic elements, so that it can be distinguished from standard administrative offence proceedings. The general part is enriched with analyses of specific issues from decision-making practice, in order to address specific problematic aspects of the legal regulation of the administrative order proceedings in administrative offence cases as established by Act No. 250/2016 Coll., on Responsibility for the Administrative Offences and the Procedure on it, and subsidiarily also by Act No. 500/2004 Coll., Code of Administrative Procedure.

The entire thesis is divided into four chapters. The first chapter describes the historical development and current source of law of administrative order proceedings on administrative offences. The second chapter provides a basic characterization of administrative offence proceedings, as well as order proceedings according to the Code of Administrative Procedure, the procedural institutes to which administrative order proceedings on administrative offences are most closely related. The importance of the second chapter lies in the characterization of administrative order proceedings on administrative offences by emphasizing its specifics and analyzing related issues that emerged from decision-making practice. The third chapter deals with a comparison of the legal regulation of order proceedings in criminal and administrative law. In accordance with the differences between these legal regulations, possible changes to the legal regulation of administrative order proceedings on administrative offences are then proposed. In the final chapter, the author focuses on on-site administrative orders in offence proceedings, with reference to practical information related to the nature of this proceeding.

The significance of administrative order proceedings on administrative offences lies in the speed and efficiency of this special form of administrative offence proceedings. This expedited procedure is characterized by specific conditions for its conduct. The result of the expedited offence proceeding is the issuance of an order, or on-site order, which are special forms of administrative decisions. The presented thesis also deals with the substantive requirements of both of these forms of decisions in administrative offence proceedings.

Key words: administrative order proceedings on administrative offences, order, administrative punishment