

Protection against Inaction in the Administrative Code and the Administrative Procedure Code

Abstract

This thesis is devoted to the topic of protection against inaction in the Administrative Code and the Administrative Procedure Code. Unlawful inaction is a serious and undesirable phenomenon that contradicts the very purpose of the existence of public administration. In application practice, unlawful inaction is a relatively common phenomenon which is capable of affecting the rights of specific addressees of public administration. For that reason, the legal order should ensure the existence of an effective and functional system of safeguards to guarantee protection against such conduct.

The aim of the thesis is to provide a comprehensive overview of the legal regulation of the means of protection against public administration inaction, with a focus on the means of protection under the Administrative Code and the Administrative Procedure Code. A sub-objective is to evaluate the current legislation and to reflect on *de lege ferenda* proposals that could be beneficial for the system of protection against inaction.

The analysis of the issue is mainly based on the knowledge obtained from the literature, legal regulations, expert articles and case law of the Czech courts.

The thesis is divided into five chapters. At the beginning of the thesis, the concepts of public administration, inactivity and illegal inactivity are defined. Subsequently, the basic principles of the activity of public administration bodies and their relation to inactivity are mentioned. The second chapter briefly discusses the concept of legal protection against unlawful public administration inaction and summarises the basic legal instruments that can be used to protect against public administration inaction. The third chapter analyses the legal regulation of protection against inaction in the Administrative Procedure Code, with particular attention to the provisions of Section 80 of the Administrative Code. The next chapter describes the protection against inaction of administrative authorities provided in the administrative justice system. The final chapter, chapter 5, contains an evaluation of the issues addressed and *de lege ferenda* considerations, including suggestions for possible improvements to the legal regulation.

Keywords:

Inaction, Administrative Authority, Protection Against Inactivity