

## Chapter III

### ADMINISTRATIVE LAW

#### *III.1 Explanation and development of Administrative Law as a branch of law*

In the Czech system of law (which is part of the so-called continental type of legal culture), Administrative Law is an independent **branch of law**.

With its content, regulation method and material orientation it ranks to the branches of public law. This is given, among others, by the fact that it regulates the sphere of the so-called executive power as part of public power in the state.

In the conditions of the so-called liberal legal state (in the Czech lands since about the 19th century) Administrative Law began to develop as a branch regulating the organization and activity of public administration. So it is a relatively young branch of law.

The origin and development of Administrative Law, with regard to the basis and postulates of a legal state, has been conditioned and is still subjected to the fundamental requirement of a **legal basis** for the existence and performance of public administration.

This principle is shown in such a way that without the appropriate legal regulation an administrative body cannot be established, or another entity cannot be authorized to perform exactly specified activities within public administration. The legal basis is necessary for all forms of activities by which public administration acts outwards in a binding manner on other entities, or applies its public power.

Due to a plurality of activities that have been and are performed within public administration, and also due to a multiplicity of entities that have provided and provide the performance of public administration, Administrative Law is characterized by a **multiplicity and plurality of legal regulations**. As it will be dealt with in detail in the section devoted to the sources of Administrative Law, norms of administrative law may be found in the legal regulations of the supreme legal power (constitution, constitutional laws) and in many laws, as well as, which is typical of Administrative Law, in a number of bylaws (governmental orders, ministerial orders of central administrative offices, bylaws of communities and regions) that serve for the execution of legal regulations. A relatively independent category includes legal regulations issued within the performance of territorial self-government (generally binding bylaws of communities and regions).

Similar reasons, that is the multiplicity and variety of regulated issues, along with relatively frequent changes in individual legal regulations, makes it difficult to codify Administrative Law.