

INDIVIDUAL ADMINISTRATIVE ACT

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Key words

Administrative Law, public administration, activities of administrative bodies, administrative act, individual administrative act, normative administrative act, measure of a general nature.

Individual administrative acts represent one of the most important and significant result and also legal form of realization of public administration and Administrative Law itself.

Public administration is a subject matter of the Administrative Law. It is regulated by norms of Administrative Law. Therefore results of activities of administrative bodies (bodies and institution of public administration) have legal character and different legal consequences. Administrative Law is carried out namely by public administration and its bodies. Subject matter of the Administrative Law is public administration in its two meanings. First of them describes public administration as a structure of different bodies and institutions. It defines who namely realizes the Administrative Law and public administration. These bodies are made to ensure the activities of public administration. This second conception defines public administration as an assignment package that is realized by administrative bodies. Both concepts (public administration as organization and activity) are closely connected. And is it the Administrative Law that regulates both sides of conception of public administration. Public administration is the activity that is exercised as scope of executive power, with perceptive character that is strongly bound by laws. Public administration can be defined as administration of public affairs provided by public law subjects that are obliged to do it. This public law subjects creates the public administration as organization.

“Administrative activity” is another definition that helps to define public administration as the activity. Within this process are realized norms of the Administrative

Law. The Administrative Law regulates different forms of realization of public administration. Thanks it these forms can create legal consequences and influence the legal relations and rights and duties. Forms are kind of administrative activity. Legal forms of so called “administrative activity” can be divided namely into:

- normative administrative act (legal description)
- individual administrative act (administrative decision) and
- measure of a general nature.

All three types mentioned above are special kind of the “administrative act”. Administrative act is the most important and also most frequent form of realization of the Administrative Law and public administration. Administrative act can be, in general, defined as one-sided act of public authority. According to its legal effects is later divided into normative, individual and measure of a general nature.

Normative administrative act is result of normative activities of public administration. Import is that is also regarded as the Administration Law itself. It is a legal enactment. Public administration so creates other legally binding rules and legal norms. It can be done only if the law makes it for public administration possible. Public administration must respect laws. These acts, issued by administrative bodies, are results of regulatory procedure. The law including the Czech Constitution, uses various names, so the concept of “normative administrative act” is abstract and comprehensive.

Individual administrative act, on the other side, are result of the laws, constitution and, which is very important, normative administrative act. Administrative normative acts are ground for the individual administrative acts. These acts are acts of application of the Administrative Law. They do not regulate code of conduct that is binding for anybody but they relate to individual case with individual and concretized participants. They solve individual legal question.

Last legal form of so called “administrative act” is the measure of a general nature. This legal institution was added to the Czech legal system because of objective need. It was necessary to regulate this institution and proceedings its result is the measure of a general nature. Czech Administrative Law was strongly inspired and influenced by regal regulation in German spoken countries. According to section 171 Code of Administrative Proceedure

(500/2004 Sb. act of the 24th June 2004) measure of a general nature is not piece of legislation or a decisions. It contains signs of administrative acts mentioned before, so its is general and individual. This act is thus mixed.

My entry also focuses on used terminology that is different. The differences were made during the development of the Administrative Law and were influenced by pre-war literature. It must be said that this problem has not been resolved yet. The practice of the courts also have not done step to make the situation more clear and united.

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