

Resumé

The submitted work, that I named „Administrative discretion“, deals with general administrative law's phenomenon of the same name. Administrative discretion or discretionary power (administrative consideration) accompanied public administration throughout its history.

Today, it is something absolutely necessary, without which public administration would be paralysed. The reason for this statement is the complexity of social relations, that, because of their infinite variability, can never be anticipated by precise detailed legal regulation.

After short introduction I remind the reader of two conceptions of public administration, when the emphasis is put on the material sense, because discretionary power always has to be integral to authority.

The second chapter introduces the nature of administrative discretion. The chosen method is based on short characterization followed by distinguishing from other „forms of freedom“ that we can come across within public administration.

The following chapter concentrates on the issue of space and explains how the legislator delineates this space within which discretionary power can be used, which relates to the question of freedom and „limitedness“.

In the fourth (and largest) chapter I minutely describe criteria (standards, factors), that administrative body must take into account when filling this space. The reader gets to know legal standards, but also factors of more general (higher) nature, that comprise values, purposes and legal principles.

Judicial review is covered in the fifth chapter. Decision - making of (especially) administrative courts is of great importance in the case of administrative discretion. Particularly, it was the practice of the Highest administrative court (together with the publication of associate professor Skulová), which provided the main source of material, that I used when composing this work.

The sixth chapter deals with modern public administration in the form that it gets under the impact of information and communication technology (ICT) and offers an insight to the future, when human factor in public administration, in relation to the individual, only exists within the conceptual - design level and in higher instances.

In the last chapter I summarize arguments for and against presence of discretionary powers within modern administrative law. In particular, I mention indisputable advantage, that resides in flexibility of public administration, which enables administrators to take into consideration particularities of specific cases, whose heterogeneity is, thanks to society's complexity, infinite.