KOŠICKÁ BEZPEČNOSTNÁ REVUE

KOSICE SECURITY REVUE

Vol. 8, No. 2 (2018), p. 17 – 29

ISSN 1338-4880 (print ver.), ISSN 1338-6956 (online ver.)

Problem aspects of combating “other anti-social activities"in the optics of selected substantive and procedural law enforcement
(current application excursions)

Problémové aspekty potírání „jiné protispolečenské činnosti“ v optice vybraných hmotněprávních a procesněprávních institutů správního (přestupkového) práva (aktuální aplikační exkurs)

Josef KŘÍHA[1]

[1]*The College of European and Regional Studies Department of Law and Security Studies, Chairman of the Collegiate Administrative Authority - Selected Municipality of the Czech Republic*

The manuscript was received on 08. 12. 2018 and was accepted after revision for publication on 14. 12. 2018

Abstract:

Given the dynamics of the development of the Czech legal order, this article has the ambition of a wider theoretical and praxeological "de lege lata" to point out the interest in the development of administrative (offense) law that creates tools to combat so-called "other anti-social activities". The article, in the intentions of the main objective in the form of an analytical and synthesizing framework, thematically narrowly and initially refers to specific legislative changes of administrative (offense) law. The second objective of the contribution is to reflect the specific aspects of administrative (offense) management by selected public administration authorities in the form of selected praxeological monitoring, etc. The submitted contribution is also an inspirational form of evaluation of the effective legal regulation of the Czech Republic in the area and points to selected non-legal and procedural law issues of the public sector that are being investigated. In view of the actuality of the article and its objectives, the analysis and description of effective legal regulation, which reflects the usability of legal instruments for combating so-called "other anti-social activities", was used. The article is based on a legal regulation effective from the determinant date, ie from 1 July 2017.

Keywords: *administrative law, public order, police, other anti-social activities, offense, police authority, administrative authority, administrative criminal law*

Abstrakt:
Předkládaný příspěvek má s ohledem k dynamičnosti vývoje právní úpravy České republiky ambici širším teoreticko-praxeologickým postihem aktuálně demonstrovat „de lege lata" monitoring procesuální upotřebitelnosti zájmových konsekvencí administrativního práva, které vytváří nástroje pro potírání tzv. „jiné protispolečenské činnosti" v podmínkách legislativní úpravy České republiky. Příspěvek v rámci hlavního cíle formou analyticko-syntetizujícího rámcového postihu tématicky úžeji a originálně poukazuje na konkrétní legislativní změny poukazovaného segmentu daného právního odvětví. Vedlejším cílem příspěvku je dále formou vybraného praxeologického monitoringu demonstrovat specifické aspekty správního (přestupkového) řízení ze strany „aplikujících orgánů" jako dotčených orgánů veřejné správy etc. Předkládaný příspěvek rovněž inspirativně zhodnocuje účinnou právní úpravu České republiky v dané oblasti a poukazuje k zájmově vybraným hmotně-právním a procesně-právním problémovým aspektům zkoumané veřejnoprávní oblasti. Vzhledem k aktuálnosti příspěvku a jeho cílům byla při jeho zpracování užita výzkumná metoda analyticko-deskriptivní, včetně metody komparativní, která své využití nachází především při srovnávání reflektované upotřebitelnosti jednotlivých institutů správního (přestupkového) práva v zájmových intencích legitimně vymezeného operačního prostoru zákonodárcem svěřeného „aplikujícím orgánům" v souvislosti s potíráním tzv. „jiné protispolečenské činosti" etc. Příspěvek aktuálně vychází z právního stavu účinného od určujícího data, tj. od 1. července 2017.

Kľúčové slová: *administrativní právo, veřejný pořádek, policie, jiná protispolečenská činnost, přestupek, policejní orgán, správní orgán, správní právo trestní*

Introduction

In the context of the premise's grasp of the substantive part of the theoretical and praxeologically-oriented contribution, it is necessary to point out the existence of the given objective circumstance, ie when the interest-reflected and subsumed area of administrative law, ie the right of offense, as a part of administrative criminal law, the foreground for the effective and de facto use by the legislator of the legally delegated instruments of the public administration bodies concerned, ie, in particular, the local police and administrative bodies and the bodies of the municipalities of 2nd and 3rd type (hereinafter referred to as the "Applying Bodies") in connection with the effective provision of public order protection that reflects the whole society's interest and the demand to combat so-called "other anti-social activities". In the context of the original interest-bearing monitoring of the currently publicly discussed issue, it is necessary, in view of the legal environment of the Czech Republic in terms of the "de lege lata" status of the state of the above-mentioned branch of the legal branch, to make absolutely clear the considerable dynamism of the legal development of the problem area. from 1 July 2017, the so-called section of administrative law is reforming in a very fundamental way, especially after the enforcement of Act No. 250/2016 Coll., on Liability for Offenses and Proceedings, as amended (hereinafter the "responsibility for offenses") significant substantive and procedural changes, including partial amendments to the so-called" special "legal regulations, are implemented in the Czech administrative (offense) law. The present paper also has the ambition in the form of a narrower analytic-synthesizing application monitoring in the intentions of a separate theoretical and praxeological insight to demonstrate the dynamism of a given segment of public law,

including an eclectic reflexion of interest-based material-legal and procedural-law sectors of administrative offense.

OBJECTIVE AND METHODOLOGY

The present contribution within the framework of the main objective in the form of analytical-synthesizing framework penalties in the "de lege lata" optics currently reflects the effective legal regulation of the given area, in the form of a theoretical-praxeological insight, initially pointing to specific legislative changes of the segment of the given sector. The secondary objective of the contribution is to demonstrate, in the form of a selected praxeological monitoring, the specific aspects of administrative (offense) management by the "applying authorities" as concerned public authorities, etc. The submitted contribution also inspires an inspirational evaluation of the effective legal regulation of the Czech Republic in the given area and points to the selected substantive legal and procedural-legal issues of the public domain under examination. Due to the topicality of the contribution and its objectives, the method of analytical and descriptive research was used, including the comparative method, which is used mainly for the comparison of the reflection of the use of the various administrative institutes in the interests of the legitimate operational area by the legislator entrusted to the " "In connection with the fight against so-called" other anti-social activities "etc.

1. The current reflection of the genesis of the development of the Czech legal regulation in the field of administrative criminal law (wider application excursion)

The contribution is currently based on the legal status effective from the determinant date, ie from 1 July 2017. In the opinion of the contributor, the legal status of the examined area in the conditions of the Czech Republic and its suggested dynamic genesis was formed by the so-called "split" amendment of the administrative (offense) a right that gradually became effective from the date of the historical retrospective, ie by October 1, 2015 and by work on October 1, 2016, and clearly indicated the ambition of a "holistic" perception of the current and society-wide legitimate interest of the legislative initiatives of the "legislator" public areas. According to the contributor, the legislator has thus effectively demonstrated the desired ambition to contribute to the specification and creation of a comprehensive legal regulation of the legal liability of "natural persons", "natural persons" and "legal persons" resulting in the finalized regulation of the legal status of the examined legal sector, .July 2017 - see the entry into force of the "Act on Liability for Offenses" or Act No. 251/2016 Coll., on Certain Misconduct, as amended (hereinafter the "Act on Misdemeanors"). The aforementioned activity of the legislator, in the opinion of the contributor, also emphasizes the need to create sui generis specific process adjustments, prematurely subsuming and generally the declared principle of so-called "good administration" in the interests of the interest-based administrative legal instruments of administrative liability and which reflects sufficiently the specificity of the legislative development of the follow-up "special" legal regulations. The legislator is no longer satisfied with the long-term unfulfilled state of regulation of administrative criminal law, which was according to the previous and annulled legal regulation of the legal regulation under examination and which was extensively fragmented into many legal and often amended special regulations, etc. In view of the above, it is possible to

point out, for example, to the ambition of the "legislator" to modify the basic administrative legal terminology and the starting point of the legal sector referred to, for example, the formulation of the "legislator" negation in relation to the institute of so-called "other administrative offenses" which was uniformly replaced by a formal-material framework, ie the term "offense". This initiative of the legislator can be positively assessed in the opinion of the contributor. The definition of the preservation of the "material" sign as a feature of the "offense" in part makes it impossible, for example, formally dogmatic application of "administrative authorities" in the case of so-called "bagatelle" acts, which fulfill only the formal ", but lacking its material conception, ie "social harminess" etc. It is also positively possible to evaluate the specified legal definition of the below-described institutes of the "Law on Liability for Offenses", since in the time before the Act came into force, many administrative- with the provision of a proper legal agenda within the framework of "protection of public order" or "local public order issues" by the "applying authorities" are introduced in the so-called analogy, ie using case law or doctrine, which themselves in the context of the application of public-law practice, often counterproductively opposed the application of the "good administration" principle [25] etc. In this respect, legitimate anchoring of the liability of legal persons for offenses can be regarded as significant, when the legislator extended the legal text so extensively to this category of persons as well [29]. Among the other systemic and conceptual ambitions of the legislator, which corresponds to the well-established principle of “good governance" [24] etc. In this regard, legitimate anchoring of the liability of legal persons for offenses can be considered as significant, so the legislator extended the legal wording so extensively to this category of persons as well. Among the other systemic and conceptual ambitions of the legislator, which corresponds to the above-mentioned principle of "good administration", one can undoubtedly include the legitimate specification of the legal institute of an attempt to commit an offense, a continuing, continuing and mass offense or a legal and factual error, including a declaratory extension extension of the legal institute circumstances unlawful, etc. From the decisive date, ie from July 1, 2017, the "legislator" defined from the original legal system a systemic and conceptual deviation that totally disputed the factual offenses of factual contours of the "Law on Liability for Offenses", with the " misdemeanors "took over the facts of offenses previously regulated in Act No. 200/1990 Coll., already repealed, on offenses [18,19]. The question is whether this legal status is not just a temporary solution. In the context of the historical retrospective, it is possible to point to a wide-ranging discussion of the professional public, which allowed the creation of a comprehensive code that would regulate the complexity of the facts of the offenses, fulfilling the facts of the offense. In the view of the contributor to the intention of the legislator, aimed at creating the above-mentioned Code, the comprehensive revisions of the facts of the offenses mentioned in the special laws should go through in order to better reflect the present social condition, etc. Discussions of such a law already occurred in the past, but they have never, due to the lawmakers' disagreements on a particular form of the law, ever been implemented. The question remains to what extent it would be realistic to create such a code. It is reported that there are some 7,300 offenses in the current legal system (after unification of other types of administrative offenses under this term [29]

2. Administrative-legal tools to combat "other anti-social activities" in the "de lege lata" optics of selected procedural institutes of administrative (offense) law-see effective legislation from 1 July 2017

2.1. Problematic procedural aspects of command

These are Block" and "Command" procedures, the essence of which was to have more efficient and quick procedures in case of simpler and less serious misdemeanors.

The Law on Liability for Offenses, however, introduced a so-called "legal fiction", on the basis of which the "block proceedings", as provided for in the previous legislation, is regarded as an order in which an on-the-spot order is issued by the fact that the block-replaced by an application body (police or administrative) in the form of a merit measure, ie an "on-the-spot"

2.2. Therefore, in the context of command procedures, it is currently possible to distinguish between:

A) by an order (see the application of the provisions of Section 90 of the Law on Liability for Offenses)

B) by an on-the-spot command (cf. the application of the provisions of §§ 91, 92 of the "Infringement Liability Act"), each of the above-mentioned sub-forms of command-line comprising the process variability and specificity. In view of the dynamics of the legal regulation of the area under examination in the Czech Republic, it is necessary to state that before the effective date of the "Act on Liability for Offenses", ie before 1 July 2017, the Czech administrative (offense) exhaustively mentioned types of so-called "abusive offenses", that is,

In connection with the aforementioned partial specification of possible procedural forms of administrative law, see **ad A**), the effective law of the administrative law of the Czech Republic enables the local and administrative authorities to decide, meritorily, in order to combat the selected anti-social activity of offenses by order, the finding is sufficient. The advantage over ordinary management only lies in speed and simplicity, as neither oral hearing nor the need for evidence is required [27]. Issuing a command can be the first action in the process. It is important that the order complies with the decision requirements. However, it is not possible, according to an effective regulation, to make a recent decision on whether a penalty should be imposed on a juvenile person or a person who is limited in law if the offense is a design violation or if a claim for compensation or a claim for unjust enrichment is to be decided. As an administrative penalty, in the procedure under Section 90 of the "Infringement Liability Act", an admonition, fine, prohibition of activity or forfeiture of a thing or substitute value may be imposed. The right remedy against the imposed order is resistance. In the context of a comparative historical excursion to the already abrogated Act No. 200/1990 Coll., On offenses, ie the application of the provisions of § 87 para. of the law obliged the obligatorily to set a period of 15 days for offenses, but not for the so-called "other administrative offenses". By effective regulation, he or

she can present the person who was ordered by the order within a shorter deadline, ie within 8 days of the notification of the order. By submitting the opposition, the order is canceled and the ordinary offense is continued, while the legislator retains the principle of the "reformationis in peius" ban (in the absence of a change in the legal classification of the offense) in the new legislation. By not applying a proper remedy, ie "resistance", the order becomes legally enforceable and becomes enforceable. See **ad B**) Against the order under Section 90 of the "Law on Liability for Offenses", the law also regulates the order imposed on the spot. An on-the-spot order can be decided only if the accused person agrees with the state of the matter, the legal qualification of the deed, the imposition of a sanction (including its amount) and the issuing of a command block (the command block is not issued). The on-site order may be imposed by a number of other public authorities (the Police of the Czech Republic, the Military Police, the Mining Authority, the Labor Inspectorate and the Police Officer, etc.) [16]. in addition to the local and administrative authority. Unlike an order under Section 90 of the "Infringement Liability Act", an on-the-spot order, such as an administrative penalty, can only be imposed on a reminder or a fine. The fine is limited to CZK 10,000. Another difference is that an on-the-spot order can also be decided if the accused is a juvenile. The on-the-spot order becomes a final and enforceable decision at the time of its signature by the accused, which must be instructed. Since an on-the-spot order becomes a final decision at the time of its signature, no proper remedy can be brought against it by the nature of the case. Even at the time of the block procedure being replaced by an on-the-spot order, there was a discussion among the professional public if any appeal against the decision given in the block proceedings is possible (ie including extraordinary remedies). Although the courts first refused to do so, especially with regard to the consent to commit a misdemeanor, and imposing a fine, they later concluded that recovery was possible if the applicant questioned his consent to the imposition of a fine in the proceedings. There is currently a question about the possibility of re-opening procedures against a statement issued on the spot to some extent open. Although the initial intention of the "Infringement Liability Act" was to explicitly exclude the renewal of the proceedings under an on-the-spot order, it did not reach the final wording. However, as part of the logical interpretation of the Explanatory Memorandum, it can be fully justified to conclude the partial conclusion that the intention of the legislature was to exclude proceedings in this case. According to the confirmed by significant opinions of the professional public and it can also be supported by the fact that during the preparation of the draft text of the "Act on Liability for Offenses", it is precisely the issue of the restoration of proceedings in the already exhausted block proceedings, of the order was subjectively expressed by the author Pavel Mates, who quite relevantly pointed out the fact that at that time the legal regulation of the block proceedings was unsatisfactory, "it should be replaced by an order and a so-called command block in a place against which it would not be admissible proper redress or recovery. It is assumed that if the wrongdoer fails to impose this sanction on the spot, such an act will be null and void, which should be declared by the superior administrative authority etc. "The Law on Liability for Offenses expressly regulates in § 101" review procedure " there is a review of the on-site order. This can be commenced no later than 6 months after the lawfulness of the order [27]. The Act explicitly regulates in § 101 a review procedure in which an on-the-spot review is carried out. This can be commenced no later than 6 months after the lawfulness of the order.

2.3. Selected procedural aspects of the meritorious decision-making of the bodies of the Czech Police within the framework of the command procedure

It is a completely indisputable fact that the Police of the Czech Republic is empowered to impose fines or admonitions by means of an on-the-spot order both by the "Act on Liability for Offenses" and by the provisions of so-called "lex specialis" by special legal regulations. The Act on Liability for Misdemeanors extends this power extensively in application of the provisions of Section 91 (2) a), ie for offenses against the order in the state administration under the competence of the Police of the Czech Republic, offenses against the order in the territorial self-government, offenses against public order, offenses against civil cohabitation and offenses against property. Special regulations include, for example, Act No. 361/2000 Coll., On Road Traffic, as amended, which entitled the authorities of the Police of the Czech Republic to deal with violations in the field of safety and fluency of road traffic (BESIP), Act No. 119/2002 Coll., on firearms and ammunition, as amended, Act No. 266/1994 Coll., Railways, as amended. However, the most frequently discussed offenses in the shortened proceedings between the Czech police are unquestionably violations in the "BESIP" section. In order for the Police of the Czech Republic to discuss and decide the offense by an on-the-spot order, it is necessary to fulfill all legal requirements, ie the presence of the accused, the recognition of the reasons for issuing the order and reliably proven state of affairs. To solve a misdemeanor in this way occurs most often when a member of the Police of the Czech Republic captures a person directly during the offense or immediately afterwards. This ensures the presence of the perpetrator of the offense and the police authority has a fairly good position to provide evidence to prove the facts. The accused must agree with the factual situation, the legal qualification of the deed, the sanction and the issuing of the command block. If all conditions are met, a member of the Police of the Czech Republic may fill in a command block and submit his parts for signature to the accused, with the subsequent handing over of the relevant part of the block to the accused (Part B). The fact that the accused would have disagreed with the settlement of the offense by an on-the-spot order (or the refusal or disagreement of the accused with the actions in the proceedings would not meet the prerequisites for issuing an on-the-spot order) would only lead to the realization of the "classic" proceedings for an offense against a local and relevant "administrative body" etc.

2.4. Problematic aspects of the "reporting" of offenses by the Police of the Czech Republic

The "reporting" of offenses by the Police of the Czech Republic is one of the specific activities of the Police of the Czech Republic in the pre-litigation phase. If a police authority (or other administrative authority) suspects a misdemeanor and if it is not competent to discuss it, it will notify the competent administrative authority. It is a typical manifestation of the administrative-legal cooperation of public administration bodies as defined by the Code of Administrative Procedure. The Law on Liability for Misdemeanors in the application of § 73 further provides a demonstrative list of the features that the offense notification should contain. This includes, for example, the notification of who is the offender, the place and time of the offense, the evidence, the description of the act in which the offense is perceived and the legal provision containing the facts of the offense in question. It can be summed up that the police

authority should notify the administrative body of any information known to him that is relevant to the following infringement proceedings. In special cases stipulated by law, the Police of the Czech Republic is required to conduct an investigation to find a person suspected of committing a misdemeanor and to secure evidence. These are typically cases where, due to the subject matter of the police, it may be assumed that the police authority will be more likely to notify them and also have a better opportunity to provide evidence or evidence for the offense. In particular, these are offenses against public order, civil cohabitation (resulting in negligence), property, order in the state administration, order in the local self-government, traffic law, fire protection and any other offenses provided for by a special law. Upon notification, the police shall draw up an official record containing the findings and, within 30 days of becoming aware of the offense, notify the competent authority of such evidence. The official alert serves only as preliminary information on the case, but can not be regarded as evidence. The NSS states directly that 'an official record stating the person's explanation before the prosecution is not used as evidence (...)' but merely as a basis for considering whether the person who provided the explanation should be heard as a witness. "Currently, the difference compared to the general regulation of notification contained in § 73 is primarily the need for an active investigation in order to ascertain the basic facts about the reported offense. Besides the active role in reporting offenses, the Police of the Czech Republic also plays a role in receiving notifications from other persons (whether legal or physical). In practice, the Police of the Czech Republic [16] are most often contacted in case of suspected offenses. Upon receipt of the notification, the police authority may initiate the proceedings itself, provided that it has a local and substantive jurisdiction [33]. In the absence of appropriate jurisdiction, the matter shall be notified locally and materially to the competent "administrative authority" in connection with the application of the provisions of Sections 73, 74 of the "Infringement Liability Act" (see above).

2.5. Framework Characteristics and Importance of Records of Offenses

Although the discussion of the introduction of a single central register of offenses within the territory of the Czech Republic has been revealed in the past, the system of central records of offenses was established in the Czech Republic only within the so-called "split" amendment with effect from 1 October 2016. It is an indisputable fact, that the offenses committed by them have been recorded in part and inconsistently with the fact that the "applying authorities" could not legitimately and relevantly verify whether a person similar to a misdemeanor had previously committed a crime within a different territory [32]. By introducing a new central evidence system, the legislator promises, in particular, more effective prevention, more effective recourse to recidivism and easier sharing of information between public authorities. The Central Register of Offenses is kept by the Criminal Register, which is subordinated to the Ministry of Justice of the Czech Republic. The Criminal Records Register also manages electronic forms and an electronic application through which administrative authorities write data into the records. Records of misdemeanors are kept by the Criminal Register, but they are separate records. In any case, it can not be identified with the records of persons convicted by the courts in criminal proceedings, which the Criminal Records Department also leads. The reason for managing both records by the same entity is above all a reduction in operating costs. The subject of the record is the final decision on the misconduct, or, eventually, the final decision on the participation

in the amnesty, as stipulated by the law. These are, for example, offenses against public order, offenses against civil cohabitation or offenses against property. On the other hand, offenses against "BESIP" according to the individual provisions of the "Act on Road Traffic" remain registered in the Driver's Register. The records of offenses include the identification of the perpetrator, the legal classification of the offense, the type and extent of the sanction, the information on the administrative body that decided the offense, the details of the offense, the data on the court which has ruled on the action against the offense decision, and last but not least, the identification data of the authorized official who made the entry in the central register. If the final decision on the offense is not annulled, the data on the record will be discarded five years after the decision on the offense on the basis of which the registration has been made. The registration process is initiated by the local and substantively competent "administrative authority", which decided on the offense at first instance. The Law on Liability for Offenses stipulates that the data in question must be registered no later than five working days from the date on which the decision became final, or from the date on which the competent administrative authority received the document for the registration. All technical acts are done electronically, through the above-mentioned form or application under the Criminal Records Administration, etc. In justified cases, where the data relating to his or her person is inconsistent with the proceedings, he is entitled to file the so-called "objection" in the opposition proceedings. The objection against the data entered in the record of offenses is applied to the local and substantively competent "administrative authority" that has implemented the registration in question. The "administrative authority" shall first examine whether the objection has been lodged lawfully. If he does not decide on his or her unlawfulness, he is obliged to immediately correct the data in the record of offenses and notify the person who filed the objection. In case the "administrative authority" finds the objection to be unjustified, the opposing party may further appeal.

2.6. Problematic aspects of so-called "designer offenses" - narrower sanction

Significant dynamism in legal development in this area can be directed to the subordinate administrative offense law, with the effect of 1 October 2016 also having a fundamental change in dealing with offenses (so-called "offending offenses") Effective from On July 1, 2017, the "legislator" already replaces the institute of so-called "designer offenses" - see the already abrogated application of the provisions of Section 68, paragraph 1 of the "Infringement Act" by the institute "Initiation of proceedings with the consent of the person directly affected by the offense" Of the "Infringement Liability Act") with the consent of a person directly affected by a misdemeanor, which thus replaces so-called "designer" offenses. The essence of this solution is that, in statutory cases, it is imperative to obtain the opening of proceedings or the continuation of proceedings (if this condition was detected by the administrative authority only during the proceedings)

Conclusion

The substantive part of the contribution, in view of the dynamics of the development of the area under examination, has the ambition to originally reflect the wider and narrower theoretical and praxeological insight into the interest-based substantive law

and procedural law institutes of administrative law under the de lege lata of the effective legal environment of the Czech Republic. responsibility for offenses "and other related so-called" special laws ". The ambition of the Contributor is also in the form of a more leftist de lege lata and de lege ferenda to further demonstrate with interest the application problem problems of selected substantive and procedural law institutes of administrative law that demonstrate the existence of the area of interest of the administrative-legal pre-requisite necessary for combating the work referred to " other anti-social activities "etc. The substantive part of the contribution currently reflects the legal status of the examined issue on the date of the legislative changes, ie 1 July 2017.

References

[1] BANDŽAK, J. Administrative Law Liability of Legal Entities. In. Criminal and administrative-liability responsibilities. Typi Universitatis Tyrnaviensis. 2014, s.9-16. ISBN 978-80-8082-777-9.

[2] BOHADLO, D.; POTĚŠIL, L.; POTMĚŠIL, J. Administrative punishment in terms of practice and case law. 1. vyd., Praha: C. H. Beck, 2013. 206 s. ISBN 978-80-7400-413-1.

[3] CUĽBA, M. - FELCAN, M. The basic conditions of admissible interference with fundamental rights and freedoms by police action in the Slovak Republic (from the perspective of the Police Churches Act) Part I. / Martin Cuľba, Miroslav Felcan. In: Security theory and practice = Security theory & practice: periodical of the Police Academy of the Czech Republic in Prague. - ISSN 1801-8211. - no. 2 (2011), s. 9-20.

[4] CUĽBA, Martin - FELCAN, Miroslav. The basic conditions of admissible interference with fundamental rights and freedoms by police action in the Slovak Republic (from the perspective of the Police Churches Act) II. part / Martin Cuľba, Miroslav Felcan. In: Security theory and practice = Security theory & practice: periodical of the Police Academy of the Czech Republic in Prague. - ISSN 1801-8211. - no. 3 (2011), s. 27-35.

[5] ČERNÝ, J., HORZINKOVÁ, E., KUČEROVÁ, H. Infringement proceedings. Handbook on Practice of Offense Bodies, Municipalities, Regional Offices and Other Administrative Bodies. Linde Praha, a.s. Praha, 2011, 758 s. ISBN 978-80-7201-859-8.

[6] ČERVENÝ, Zdeněk; ŠLAUF, Václav and TAUBER, Milan. Offense law. 17th ed. Praha: Linde, 2011. 457 s. ISBN 978-80-7201-830-7.

[7] Česko. Zákon č. 1 České národní rady ze dne 16. prosince 1992 o Ústavě České republiky. In Sbírka zákonů České republiky. 1993, částka 1, s. 1-16. Dostupný z WWW: <http://aplikace.mvcr.cz/archiv2008/sbirka/1993/sb01-93.pdf>.

[8] Česko. Zákon č. 128 ze dne 12. dubna 2000 o obcích (obecní zřízení). In Sbírka zákonů České republiky. 2000, částka 38, s. 1737-1764. Dostupný z WWW: <http://aplikace.mvcr.cz/archiv2008/sbirka/2000/sb038-00.pdf>.

[9] Česko. Zákon č. 500 ze dne 24. června 2004 správní řád. In Sbírka zákonů, Česká republika. 2004, částka 174, s. 9782-9827. Dostupný z WWW: <http://aplikace.mvcr.cz/archiv2008/sbirka/2004/sb174-04.pdf>.

[10] Česko. Zákon č. 273 ze dne 17. července 2008 o Policii České republiky. In Sbírka zákonů, Česká republika. 2008, částka 91, s. 4076-4116. Dostupný z WWW: <http://aplikace.mvcr.cz/sbirkazakonu/SearchResult.aspx?q=273/2008&typeLaw=zakon&what=Cislo_zakona_smlouvy>. ISSN 1211-1244

[11] Česko. Zákon č. 200 České národní rady ze dne 17. května 1990 o přestupcích. In Sbírka zákonů České a Slovenské federativní republiky. 1990, částka 35, s. 810-826. Dostupný z WWW: <http://aplikace.mvcr.cz/archiv2008/sbirka/1990/sb035-90.pdf>.

[12] Česko. Zákon č. 349/1999 České národní rady ze dne 30.prosince 1999 o veřejném ochránci práv, Česká republika. 1999,částka 111. Dostupný z WWW: https://www.zakonyprolidi.cz/cs/1999-349

[13] Česko. Zákon č. 250/2016 České národní rady ze dne 12. července 2016 o odpovědnosti za přestupky a řízení o nich, částka 98. Dostupný z WWW: https: https://www.zakonyprolidi.cz/cs/2016-250/historie

[14] Česko. Zákon č. 251/2016 České národní rady ze dne 3. srpna 2016 o některých přestupcích, částka 98. Dostupný z WWW: https://www.zakonyprolidi.cz/cs/castka/2016-98

[15] ERNEKER, J. Systemic aspects of public administration. České Budějovice: University of European and Regional Studies, 2011. 110 s. ISBN 978-80-86708-98-0.

[16] FILÁK, J., BRÁZDA, J., BOHMAN, M., HRUDKA, J., VOPRŠAL, P., ZÁMEK, D. Act on the Police of the Czech Republic with commentary: by legal status as of 12 January 2009. 1. vyd. Prague: Police history, 2009. 285 s. ISBN: 978-80-86477-49-7

[17] PHILOSOPHICAL DICTIONARY. Olomouc: FIN 1998. Password Principle Filosofický slovník Universum. Praha: Klub klubu 2009. Ottův náučný slovník, heslo Princip. Sv. 20, p. 696

[18] HORZINKOVÁ, E., KUČEROVÁ, H. Offenses and administrative punishment. Leges, Prague, 2012, p. 480, ISBN: 978-80-87212-94-3.

[19] HORZINKOVÁ, E., KUČEROVÁ, H. Law on Offenses with Commentary and Judicature - 2nd Ed. By legal status effective from 1 November 2011. Prague: Leges. 2011. ISBN: 978-80-87212-94-3.

[20] KAPLAN, Tomas and SOJKOVÁ, Alžběta. Records of misdemeanors in the Czech Republic. In: Erecto.cz [online]. Prague: EPRAVO.CZ, 2015 [cit. 6 April 2017]. Available from: https://www.epravo.cz/top/clanky/evidence-prestupku-v-ceske-republice

[21] KOŠIČIAROVÁ, S. Principles of good public administration and the Council of Europe. Bratislava: IURA EDITION, spol. s r.o., 2012. ISBN 978-80-8078-519

[22] KOŠIČIAROVÁ, S. Right to Proper Evidence and Proceedings of Offenses In: "PROCEEDINGS AND MANAGEMENT OF THEM FROM THE VIEW OF THEORY AND PRACTICE" Proceedings of the International Scientific Conference held on October 4, 2013, Police Academy of the Czech Republic in Prague Lhotecká 559/7, POBOX 54, 143 01 Praha 4 2014, p. 105-117 s. (270 s.) ISBN: 978-80-7251-408-3

[23] KŘÍHA, J. Protection of local issues of public order in the intentions of the "Community policing" strategy - selected interpretative contexts. České Budějovice: Auspicia. University of European and Regional Studies, o.p., 2009, 150 pp. ISSN 1214-4967

[24] KŘÍHA, J. Reflection of Interest Application Constraints of Administrative (Police) Law in Strategic Contours Effective "Crime Prevention Strategy". In. Crime prevention. Proceedings of Proceedings from the International Science Conference held on 27 and 28 May 2014 in Bratislava. Department of Criminology of APZ in Bratislava 166 pp., APZ Bratislava, 2014, p. 91-102 (166 pp.) ISBN: 978-80-8054-615-1

[25] KŘÍHA, J. Selected procedural aspects of administrative (offense) law in the optics of the application of the principles of good administration In: "PROCEEDINGS AND MANAGEMENT OF THEMS FROM THE VIEW OF THEORY AND PRACTICE" Proceedings of the international scientific conference held on October 4, 2013, the Police Academy of the Czech Republic in Prague Lhotecká 559/7, POBOX 54, 143 01 Praha 4 2014, p. 121 -139 s. (270 s.) ISBN: 978-80-7251-408-3

[26] KŘÍHA Josef and Jozef METEŇKO. Legal and Security Environment of the European Union in the Territorial Optics of Selected Countries of the Central European Space. České Budějovice: University of European and Regional Studies, z.ú. 2016, p. 91-105. (114 s). ISBN: 978-80-87472-86-6

[27] MATES, P., et al. Fundamentals of administrative criminal law. 5. vyd. Prague: C.H. Beck, 2010. 248 s. ISBN 978-80-7400-357-8.

[28] MEDELSKÝ, J.: 2015. Basic human rights in police activities. In: European dimension of human rights protection in police activities, 1. Issue. Bratislava: APZ, 2015, 185. ISBN 978-80-8054-631-1

[29] MLSNA, Petr. Administrative Law Reform - Basis, Goals and Expectations. In: Legal space[online]. Ostrava: ATLAS consulting, 2016 [cit. 27. 4. 2017]. Dostupné z: http://www.pravniprostor.cz/clanky/spravni-pravo/reforma prestupkoveho-prava-zakladnivychodiska-cile-a-ocekavani

[30] PRŮCHA, P.: Administrative law: general part. 8th edition. Brno: Doplněk, 2012. 428 s. ISBN 978-80-7380-381-0

[31] PRÁŠKOVÁ, Helena. Basics of Accountability for Administrative Offenses. Prague: C.H. Beck, 2013. 448 s. ISBN 978-80-7400-456-8

[32] TREUTLEROVÁ, H. Minister Robert Pelikan launches Central Records of Misdemeanors. In: Legal space [online]. Ostrava: ATLAS consulting, 2016 [cit. 6. 4.

[33] VARVAŘOVSKÝ, Pavel; VALÁŠEK, Miloš; KOUSAL, Ivo a KOCOUREK, Milan. Misdemeanors*: Sborník stanovisek veřejného ochránce práv*. Brno: Kancelář veřejného ochránce práv, 2012, s. 17

Author:

[1]**Mgr. et Bc. Josef KŘÍHA** - The College of European and Regional Studies, Department of Law and Security Studies, e-mail: kriha@vsers.cz + Chairman of the Collegiate Administrative Authority - Selected Municipality of the Czech Republic