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Nonprocedural legal principles creating a legal situation of an organ of public administration in the judicial proceedings of administrative courts with a special focus on constitutional principles

Summary

The paper contains an analysis of nonprocedural legal principles which create the legal position of administrative authorities in judicial proceedings in an administrative court, with a special focus on the constitutional principles. The analysis concerns (i) the principle of the separation and balance of authorities; (ii) the essence of judicature (law enforcement); and, related to it (iii) the right to a trial and a rule of law which implicates a principle of intensifying civilians' trust in public authorities.

The analysis of the above issues leads to a conclusion that the nature of the legal position of public authorities whose procedural role does not confine to being part of litigation is rather complex as it also contains an obligation to cooperate with an administrative court in order to facilitate an expedient lawful judgment .

Keywords: principles, administrative court, administrative judicial procedure, constitutional procedure.