

# TABLE OF CONTENT

<b>Introduction</b> .....	7
<b>Chapter I</b>	
<b>On prudence in taxation – the biblical aspect</b> .....	9
1. Introduction .....	9
2. On moderation in imposing taxes .....	10
2.1. Tythes .....	11
2.2. The Nation’s King strengthens justice .....	13
2.3. From the naive principle of equality to a tax tariff .....	14
3. On fulfilling tax obligations .....	16
3.1. The question of taxes – Caesar’s tribute: that is, the tax due to Caesar .....	16
3.2. The Temple Tax .....	19
3.3. The Widow’s Mite – generosity and honesty in paying tax .....	21
4. On tax collectors – an awakened conscience .....	22
5. Conclusions .....	26
<b>Chapter II</b>	
<b>The requirement for fairness in taxation</b> .....	29
1. Introduction .....	29
2. A taxpayer and a tax obligation .....	31
2.1. A subjective perception of the tax burden .....	35
3. Tax justice and acceptance of the tax system – general issues .....	39
3.1. The ability to pay principle .....	40
3.1.1. A disputable measure of the ability to pay .....	42
3.1.2. The tax tariff .....	44
3.2. Aspects of equality of taxation .....	45
3.3. The universality of taxation .....	46
4. The ethical limits of taxation .....	48
5. Conclusions .....	50
<b>Chapter III</b>	
<b>The correct principle of legislation and the content of a tax obligation</b> .....	55
1. Introduction .....	55
2. Tax legislation – main dilemmas .....	56
3. Interference of tax law .....	65
4. The moral value of tax obligations .....	69
5. Tax legislation and the morality of the taxpayer .....	72
6. Conclusions .....	75

<b>Chapter IV</b>	
<b>Property rights and limitations on tax authorities</b> .....	77
1. Introduction .....	77
2. The right to property and the tax obligation .....	79
2.1. The statutory form of taxation and the extent of interference in the right to property .....	85
2.2. Tax regulation and the scope of interference in the right to property .....	87
3. The principle of loyalty and the tax obligation .....	90
4. A democratic state governed by the rule of law and the tax obligation .....	92
4.1. The principle of the specification of legal provisions vs the tax obligation .....	94
4.2. <i>Lex retro non agit</i> and the tax obligation .....	96
5. Acquired rights vs the tax obligation .....	98
6. Prohibition of excessive interference and the tax obligation .....	100
7. Tax evasion and its social and economic consequences .....	102
8. Conclusions .....	104
<b>Chapter V</b>	
<b>The tax body and the tax payer</b> .....	107
1. Introduction .....	107
2. Recognition of a tax obligation and its content .....	109
3. Taxpayer confidence in the law: principles and controversies .....	114
4. Fiscalism in the activities of tax bodies .....	117
4.1. The legal security of the taxpayer and the protection of the State's financial interest .....	118
4.2. The legal certainty of the taxpayer and systemic defects in the tax ordinance .....	122
5. Conclusions .....	125
<b>Chapter VI</b>	
<b>Legal protection of a taxpayer in administrative court proceedings</b> .....	127
1. Introduction – the judge and the idea of justice .....	127
2. Judicial control of the activity of tax bodies .....	130
3. Scope of the review of discretionary decisions by an administrative court .....	135
3.1. Judicial review of discretionary decisions – the jurisdictional aspect .....	135
3.2. Judicial review of discretionary decisions – proposals for amendments .....	139
4. An administrative court and the <i>dura lex sed lex maxim</i> .....	141
4.1. The judge and the law .....	141
4.2. Dilemmas of the judge – the application of law .....	144
5. Premises for a judicial decision – nature of the dilemmas .....	148
5.1. Reasons for interpretative misunderstandings in interpretation .....	151
6. Conclusions .....	153
<b>Summary</b> .....	157
<b>Bibliography (selected items)</b> .....	161
<b>List of judgments</b> .....	179
Case law of the Constitutional Tribunal .....	179
Case law of the Court of the Justice of the European Union .....	182
Case law of the administrative courts .....	182