

## The British Ombudsman

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im mai 1984 konnte der bürgerbeauftragte des landes rheinland pfalz auf eine erfolgreiche zehnjährige amtszeit zurückblicken mit der errichtung dieses amtes hat rheinland pfalz das petitionswesen in der bundesrepublik deutschland um eine interessante variante bereichert damit fügte sich dieses bundesland in die lange reihe der westlichen demokratie diesem weg die kontrollrechte ihrer parlamente zu stärken und die petitions rechte ihrer bürger zu intensivieren suchten das

Interesse an der Errichtung solcher Institutionen setzte in der westlichen Welt zu Beginn der sechziger Jahre ein Vorreiter der Bewegung waren dabei vornehmlich die Länder die nicht wie etwa die Bundesrepublik Deutschland über ein funktionsfähiges Verwaltungsgeschichtssystem verfügen sie griffen damit die erstmals in der schwedischen Verfassung von 1809 verankerte Idee des Ombudsmans als Instrument der Verwaltungskontrolle auf als Ursachen der heute diagnostizierbaren weltweiten Verbreitung des Amtes lassen sich u.a. anführen die zunehmende Okkupation aller Sozialbereiche durch den Staat und die Ausweitung der Verwaltungsapparate ein Sachverhalt der zur Ausweitung des Konfliktfeldes zwischen Bürgern und Staat geführt hat die zunehmende Hilflosigkeit des Bürgers im Dickicht staatlicher Verwaltungsvorschriften die sich ausweitende Verrechtlichungsbereiche staatlicher Tätigkeit und staatlichen Verwaltungshandelns der Wunsch nach einer zumindest partiellen Wiederherstellung des infolge des Funktionswandels des Parlamentarismus teilweise verloren gegangenen parlamentarischen Kontrollsystems der Abbau des Informationsdefizits des Parlaments gegenüber der Exekutive die Absicht die ex post parlamentarische Kontrolle zu fördern ihr Wissen über Defizite und Problembereiche staatlichen Handelns in den parlamentarischen Entscheidungsprozessen einzu

English summary the Scandinavian institution of the ombudsman has been implemented in nearly all European legal systems meanwhile there are multiple interpretations of what characterizes this legal institution Julia Haas shows that the profiling of the ombudsman as a core figure of European administrative law requires a focus on its classical role in administrative supervision and develops the legal concept of a control oriented model ombudsman German description die aus dem skandinavischen Recht stammende Ombudsmann Institution ist in ihrer klassischen Ausprägung als unabhängige meist parlamentarisch angebundene Einrichtung zur Überprüfung der Rechtmäßigkeit des Verwaltungshandelns aufgrund von Beschwerden oder aus eigener Initiative in nahezu allen europäischen Rechtsordnungen vertreten aufgrund der Länder aber auch Rechts- und Sachgebietsübergreifenden Verbreitung des Rechtsinstituts besteht inzwischen eine Vielzahl begrifflicher funktionaler und dogmatischer Interpretationsansätze die einen Ombudsmann charakterisieren Julia Haas zeigt dass für die Profilierung des öffentlich rechtlichen Ombudsmans als Kernfigur des europäischen Verwaltungsrechts eine Fokussierung auf dessen Funktion der Verwaltungskontrolle erforderlich ist und entwickelt ein eigenes Modell des idealtypischen Kontroll Ombudsmans zur Durchsetzung des Rechts und der Grundsätze einer guten Verwaltung

slapper and Kelly's *The English Legal System* explains and critically assesses how our law is made and applied, trusted by generations of academics and students. This authoritative textbook clearly describes the legal rules of England and Wales and their collective influence as a sociocultural institution. This latest edition has been extensively restructured and updated, providing up-to-date and reliable analysis of recent developments that have an impact on the legal system in England and Wales. Key learning features include useful chapter summaries which act as a good check point for students, 'food for thought' questions at the end of each chapter to prompt critical thinking and reflection, sources for further reading and suggested websites at the end of each chapter to point students towards further learning pathways, and an online skills network including how-to's, practical examples, tips, advice, and interactive examples of English law in action, relied upon by generations of students. This book is a permanent fixture in this ever-evolving subject.

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Topics: human rights in general, civil and political rights

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