

The status of the state prosecutor in preparatory criminal proceedings

Abstract

The topic of the thesis is “The status of the state prosecutor in preparatory criminal proceedings”. This issue is still relevant not only in the area of the criminal law, but also from the point of view of the public. Given the importance of the role of the Public Prosecutor’s Office in a democratic state governed by the rule of law, it is necessary for the legislation, which governs the competences of the Public Prosecutor’s Office, to respect the present needs of the public. The above mentioned issues resulted in discussion regarding recodification of the criminal proceedings and the Act on the Public Prosecutor’s Office. However, the preparation of the new legislation must not overlook possible negatives of an innovative approach. It cannot be assumed that there would be full consensus on all aspects of the legal status of the state prosecutor, but the recodification must not cause systemic failure and paralysis of the state prosecutor’s competences.

The first chapter deals with the historical development of the Public Prosecutor’s Office in the Europe with a focus on Czech territory. The following chapter focuses on the current regulation of the Public Prosecutor’s Office in the Czech Republic. It also deals with the power vested into the Public Prosecutor’s Office in the comparison with the other state authorities. The basic principles of running the Public Prosecutor’s Office are also stated. This chapter also includes an adjustment of the organization and the powers of the Public Prosecutor’s Office with the analysis of the state prosecutor’s supervision authority in the criminal matters. The end of the second chapter is dedicated to the special authorization of the Supreme state prosecutor.

The third chapter presents the Czech legislation regarding preparatory criminal proceedings followed by practical aspects. The penultimate chapter relates to the key issue of the status and the role of the state prosecutor in the preparatory proceedings. There is a closer justification for his dominant position with the powers and duties in the preparatory criminal proceedings. It also includes the supervisory institute and the relationship of the state prosecutor to the custody. It briefly touches the role of the court in the preparatory proceedings and its decision-making authority.

The last chapter of the paper introduces several *de lege ferenda* ideas relating to the issue of the status of the state prosecutor in preparatory criminal proceedings in the Czech Republic. In the conclusion, it summarizes the content of this thesis and assesses current legal regulation. There is also the consideration of possible future legal regulation.