

The Right to Defense in Criminal Proceedings - Abstract

This rigorosum thesis deals with the issue of the right to defense in criminal proceedings. It aims to provide an overview of its effective legal regulation *de lege lata* and it also focuses on its problematic aspects. Contemporary interpretative issues are being analysed and also suggestions how to solve them are presented. The thesis is divided into three parts. Whereas the first part is dedicated to the subject of general legal regulation incorporated in the European Convention on Human Rights, the second part includes an analysis of this matter in the Czech legal order and the last part comprises of a thorough study of detailed legal regulation of the specific institute of mandatory defense in the Czech Republic.

In the first part of the rigorosum thesis, the right to defense is initially put in the context of the right to a fair trial where its individual specific elements are examined with regard to the European Convention on Human Rights. Given the quite vague formulation of minimal rights set out in the European Convention on Human Rights that only in their complex state form the right to defense in its entirety, the thesis aims to solve unclear aspects of its interpretation as a whole. Grounds for these suggestions are based upon the case law of the European Court of Human Rights as well as upon relevant specialised legal literature. Constitutional roots of the legal regulation of the right to defense in the Czech Republic are however also not omitted in the first part. The second part is quite similar in its approach, only it is dedicated to the legal regulation of the right to defense in the Czech legal order.

The final part of the rigorosum thesis on the contrary to the first two is more detailed in its scope, since it is aimed specifically at only one legal institute of the right to defense – the mandatory defense. The author chose to elaborate specifically this institute since she is convinced that this matter is not analysed sufficiently in specialised legal literature. Initially, this topic is examined *de lege lata* with regard to the Criminal Procedure Code and the Juvenile Justice Act as well as *de lege ferenda* with regard to the Act on Criminal Liability of Legal Persons and Procedure against them. The polemic about the suitability of legal regulation of mandatory defense also with regard to legal persons is subsequently concluded with formulation of specific suggestions for possible future legal regulation.