

Abstract

This Diploma thesis deals with the role of Public Prosecutor in Criminal Proceedings. Public prosecutor is an irreplaceable entity of criminal proceedings where he is tasked with defending a public interest. The aim of the thesis is to provide an analysis of the status of the public prosecutor in criminal proceedings while the main part of the thesis focuses on the status of the public prosecutor in preparatory criminal proceedings - the third chapter gives an overview over the relationship between the public prosecutor and police authority and the fourth chapter outlines an usage of diversions in criminal proceedings.

The thesis is composed of four chapters. The first chapter outlines the history of the institute of public prosecution focusing on the Czech territory because there is no doubt the historical development is significantly reflected in the current form of this institute.

Chapter Two provides a general overview over Public Prosecutor's Office which is important for understanding the following parts of this diploma thesis. Firstly, questionable issue of the position of Public Prosecutor's Office according to the Constitution of the Czech Republic is explored, then a description of a structure of the Public Prosecutor's Office and its internal relations including an issue of supervision within the Public Prosecutor's Office follows. In addition to that, this chapter characterizes the role of public prosecutor in every single stage of criminal proceedings and also the other areas of public prosecutor's activity outside criminal proceedings.

Third chapter explores the relationship between the public prosecutor and police authority within the preparatory criminal proceedings. These two authorities have a key influence on this stage of criminal proceedings. The beginning of this chapter deals with a term „Police Authority“, characteristics of different types of investigation of crimes and how the type of investigation influences the status of these two authorities and with an operation of the police authority in preparatory criminal proceedings. Part of this chapter is also dedicated to professional level of police authority and its impact on the relationship with public prosecutor and criminal proceedings. Eventually this chapter brings a brief overview over the relationship between the public prosecutor and police authority in Germany.

Last chapter of the thesis focuses on diversions in criminal proceedings, especially on usage of diversions by public prosecutors in the first stage of criminal proceedings. It all starts with a brief characteristics of diversions in criminal proceedings, legislation and conditions that must be met so that every particular type of diversion could be used. The last part of this chapter

introduces statistical data and comparison of a frequency of using diversions in criminal proceedings in the Czech Republic and Slovak Republic.

In the end of the diploma thesis the author summarizes some questionable issues and comes to conclusions including suggestions for possible improvements of these issues.