

Abstract

The presented work brings a comprehensive view of the state prosecutor's position during the pre-trial proceedings. It uses the knowledge of professional literature and legal regulations, which were extended to those activities that are carried out by the state prosecutor in standard criminal cases, with reference to the practical use of individual institutes, to the authorisation of the state prosecutor and to selective aspects, problematic in nature that results in legal adjustment. The rigorous work is complemented by considerations on selected practical problems arising from the activities of the public prosecutor and consequently on considerations on prepared or considered modifications of legal regulations affecting the activities of the public prosecutor. Part of these considerations is also pointing out the possibility of using process modelling within the public prosecutor's office. The work is divided into nine chapters, which form four logical parts. The first part deals with the historical development of the Public Prosecutor's Office until the adoption of the current Act on the Public Prosecutor's Office, whereas, after 1948, attention has been more focused on the position of prosecutor. The second part contains a general definition of the public prosecutor's office and the characteristics of the preliminary proceedings as such, with a subchapter devoted to some specifics in the Austrian and German Criminal Procedure Code. The main part is the third part, which focuses on the position of the public prosecutor in the preliminary proceedings, pointing to his fundamental role at this stage of the criminal proceedings and on the position of the public prosecutor in individual forms of pre-trial proceedings, i.e. in the framework of screening, investigation and shortened preliminary proceedings. The addition of this part is the processing of the state prosecutor's authority at the individual institutes in the pre-trial, which are applied by the public prosecutor. The last fourth part contains the above mentioned considerations concerning the amendment of the Code of Criminal Procedure and the envisaged Act on Public Prosecution.