

Criminal procedure in front of a single judge

Abstract

The master thesis focuses on the legislation concerning criminal procedure in front of a single judge and its purpose is not only the description of all aspects of such criminal procedure but also the presentation of disputable questions and their answers. Another objective of the thesis is to identify inappropriate legislation and provide solutions in the form of *de lege ferenda* thoughts, including the provision of opinions as to future legislation. Based on methods of description, analysis and historical comparison, the master thesis provides a comprehensive view on the single judge, while using commented legislation, academic literature and case law.

The first chapter closely describes the historical evolution of the role of the single judge from 1918 (respectively since 1873 as the Austrian-Hungarian legislation had been adapted) until today. The second chapter solves a problematic question whether the single judge can administer justice at a regional court or only at a county court.

The following chapters focus on the core of the thesis, which is described in the next three chapters. The third chapter presents the very first actions of the single judge after the prosecution is delivered to him. The fourth chapter is dedicated to the criminal order which can be issued only by the single judge. However, the criminal order is described only briefly and the ending of the chapter also provides a few thoughts *de lege ferenda*. The fifth chapter is the largest one and deals with the trial. The trial is the most important stage of criminal procedure where is discussed the question of guilt and punishment. The chapter focuses in detail on all the actions which must be done so the trial can take place successfully (i.e. from its preparation, the setting of a date for the trial, to all the decisions which can be made by a single judge). A specific subchapter focuses on the basic principles which are reflected during the trial and have a significant influence on the trial.

The sixth chapter focuses on a simplified trial which follows simplified pre-trial proceedings. There the advantages of a simplified trial compared to a standard trial are described and a short thought about future legislation is provide too. In the seventh chapter I very briefly discuss the legislation concerning procedure of judgment execution and think about possible ways to improve the legislation. The last (eighth) chapter summarises all the *de lege ferenda* thoughts which are provided at the end of some chapters. In the conclusion, I answer the question whether I successfully fulfilled the purpose of the master thesis.

Key words: a single judge, criminal procedure, trial, simplified trial