

ABSTRACT IN ENGLISH

The purpose of my thesis is to provide an analysis of contradictoriness in criminal proceedings, particularly the evaluation of contradictoriness that is protected in penal code and its manifestation within preliminary proceeding and proceeding in court. This thesis tries to summarize the concept of contradictoriness in criminal proceedings and take the preparation of reform in penal code into consideration.

The second chapter defines fundamental differences between inquisitorial and adversarial juridical system, from which current juridical system is formed, where the contradictoriness is applied with some distinctions in meaning. Furthermore, the reading and the concept of contradictoriness in juridical system in legal study of continental legal system particularly in domestic one is discussed. In this chapter it is also analysed how courts put reading of contradictoriness and its definition into practice. The final part consists of reform juridical system and its relation to contradictoriness, especially to its protection by the basic principles in criminal proceedings.

Next chapter analyses the scope of the meaning of contradictoriness and trial principles are attached and used. It is divided according to the aim of the use more precisely it looks into the real condition of the case, defence law and criterion of criminal proceedings before the court.

The fourth chapter deals with rightful penal code and its concept for pre-trial stage in relation to principles of contradictoriness. At first the research on the manifestations of contradictoriness in pre-trial stage is made. In pre-trial stage the application is limited; nevertheless it is equally important in some cases than in pre-trial stage before the court. After that there are cases of limited application of contradictoriness in pre-trial stage analysed, especially the cases where the contradictoriness would normally have been given. Nevertheless, it is not like this, with regard to certain particularities in particular institutes. Finally all consequences of the breach of contradictoriness in pre-trial stage are summarized.

The fifth chapter deals with contradictoriness in procedure before the court, in particular from the moment when the legal action is taken so the main part of application of the contradictoriness. Also it elaborates the exceptions of contradictoriness in procedure before the court, conditions and its field of application. The last article in this chapter deals with the contradictoriness in procedures about appeal proceedings before the court.

The end of this thesis consists of accumulated knowledge and my designation in legal framework in relation for principles of contradictority and also short reflection about the aim of the reform.