

Abstract

This thesis with the title criminal order deals mainly with the analysis of the current legal regulation of criminal order, focusing mainly on its more contradictory parts. At the same time, proposals for changes to the individual points of contention, that the legislation could undergo in the future in order to clarify them, are presented.

In addition to the introduction and conclusion, this thesis contains a total of five chapters, which are further divided into individual subchapters. Each chapters then deals with a comprehensive section of the legal regulation of criminal order. The first chapter is dedicated to the historical development of the criminal order on our territory, while its first subchapter is dedicated to the legislation from 1873 to 1993, when the criminal order was re-introduced in the Criminal Procedure Code, already significantly reminding its current form. The second subchapter captures the development of the criminal order from 1993 to the present.

The second, and at the same time the most extensive, chapter of this thesis describes the current legislation, specifically in the first subchapter the conditions of issuing a criminal order and in the second subchapter the nature of the criminal order as a diversion and decision in criminal proceedings. The third subchapter focuses on individual sanctions imposed by a criminal order and the fourth subchapter focuses on the formal requirements of a criminal order and its delivery.

The content of the third chapter deals with appeals against criminal orders, especially protest, which is also the only ordinary appeal. The first subchapter thus comments on the filing of the protest itself, the second subchapter is dedicated to the possibility of returning the limitation period and the possibility of waiving the right to file a protest, and the third subchapter focuses on the absence of the principle of prohibition of *reformationis in peius* in the legal regulation of criminal order. The last subchapter is then briefly dedicated to extraordinary appeals against criminal order.

The fourth chapter of this work introduces the relationship between some of the basic principles of criminal procedure and a criminal order, especially with regard to the use or restriction of these principles in issuing a criminal order.

The last chapter is the fifth chapter, the topic of which is the injured party and the criminal order, specifically the first subchapter deals with the actual claim for damages and the second

subchapter deals with the possibility of the injured party to appeal against the criminal order, which the current legal regulation does not allow.