

Criminal Order

Abstract

The topic of this thesis is a criminal order as an institute of criminal procedural law and at the same time as a kind of decision in criminal proceedings. The first part of the thesis states a detailed description of the recent legal regulation of a criminal order, a systematic classification of a criminal order in the Criminal Procedure Code, the relationship between a criminal order and other provisions of Chapter Twenty of the Criminal Procedure Code is analyzed.

The first part also describes positive and negative conditions for issuing a criminal order, describes the punishments that can be imposed by a criminal order, the execution of a criminal order, the delivery of a criminal order, the substantive and procedural effects of serving a criminal order. Subsequently, a protest against a criminal order is described as a remedy sui generis and the effects of a filed protest. The first part also describes the legal force and enforceability of a criminal order and a main trial holding after filing a protest by a person entitled within the deadline. Subsequently, attention is paid to the procedural position of the injured party in proceedings for issuing a criminal order, issuing a criminal order in proceedings against legal persons and the legal regulation of a criminal order in other provisions of the Criminal Procedure Code. Furthermore, the relation between the basic principles of criminal procedure and a criminal order is assessed in order to assess the compliance of the basic principles of criminal procedure with the criminal order and the application of individual principles of criminal procedure in issuing a criminal order. The thesis researches relevant literature concerning a criminal order issue and evaluates the criminal order with the right to a fair trial. In the next part there is a historical comparative analysis of the criminal order development in the territory of today's Czech Republic, which captures the criminal order in the dynamics of its development. In the next part there is an international comparative analysis of the criminal order institute in Czech law with the institute of criminal order in neighbouring states, ie in Slovakia, Poland, Austria and Germany. In the next part there is a comparative analysis of the criminal order and the so-called diversions, ie conditional suspension of criminal prosecution, settlement, plea bargain, conditional postponement of filing a motion to punish and withdrawal from criminal prosecution. In the next part there is a comparative analysis of a criminal order and basic types of decisions, ie judgment, resolution and decision of its kind. In the next part there is a cross-sectoral comparative analysis of a criminal order and a payment order according to the

Civil Procedure Code, the administrative order and a freezing order pursuant to the Tax Code. The next section describes and explains the statistics relating to a criminal order. In the next section, there are case studies from the decision-making activities of the Constitutional Court and the Supreme Court containing relevant case law relating to the criminal order. In the last part of the thesis there is a prediction of further development of the criminal order institute and proposals de lege ferenda, which arise from this work findings.