

An injured party in a traffic accident and criminal proceedings

Abstract

This rigorosum thesis deals in general with the position of the injured party in the current criminal proceedings and its procedural rights, focusing on the victim of a traffic accident and traffic crime. The rigorosum thesis is divided into six chapters and the introduction and conclusion.

The first chapter of the rigorosum thesis deals with the concept of injured party in general, not only in the current legislation, but also its historical development, especially in terms of amendments to the Criminal Procedure Code, which significantly affected the victim and his or her position in criminal proceedings. This chapter explains the concepts of bodily harm, material damage, non-material damage and unjust enrichment. Part of this chapter is also devoted to distinguishing the concept of “victim” from the concept of “injured party”.

The first chapter is systematically followed by the second chapter, which deals with the legal subjectivity of the injured party, its position in criminal proceedings and representation, especially as regards representation by a legal representative, guardian and agent. Attention is also paid to the problematics of a joint representative.

The third chapter presents the individual procedural rights of the injured party, with these rights being divided according to whether they belong to all injured parties or only to the injured party entitled to compensation for damage, non-material damage or the issuance of unjust enrichment. The injured party's right to waive its procedural rights in criminal proceedings is also discussed.

The fourth chapter is focused on traffic crime and it discusses not only the concept of traffic accident, but also some traffic offenses, including considerations of the introduction of other traffic offenses in a special part of the Criminal Code.

The fifth chapter is devoted to selected deviations from standard criminal proceedings, namely the conditional discontinuation of criminal prosecution, settlement, plea-bargaining and a criminal order.

The last sixth chapter deals with the collateral proceedings, especially with regard to the injured party's proposal for indemnity, non-material damage compensation or the issuance of unjust enrichment and the decision on this claim, which at least marginally mentions

compensation for material damage and non-material damage. This chapter also includes a comment on the reimbursement of costs.

This rigorous thesis is supposed to provide the reader with a comprehensive view of the position of the injured party in criminal proceedings while discussing traffic accidents and traffic crime, draw attention to problematic issues and shortcomings of current legislation and give suggestions de lege ferenda.

Key words: an injured party, a traffic accident, criminal proceedings