

# **The public prosecutor in the proceeding before the court**

## **Abstract**

The thesis is primarily focused on the position, role and competence of the public prosecutor before the court. The aim of the thesis is, among others, to provide potential readers with a relevant piece of information for treatise of the system of the public prosecutor's office, circumstances of its origin and development or legal entrenchment as well as competences defined by law, both criminal and non-criminal.

The thesis primarily deals with the competence of the public prosecutor in the proceeding before the court, and that is not only in the terms of current legal status, but also from the perspective of possible legislative changes in the future. By means of this the partial issue of criminal proceedings is defined and subsequently analysed. Furthermore, it is followed up by some of the aforementioned difficulties resulting from the legal regulation of the Code of Criminal Procedure, which could become the subject of legislative changes in this area of law in the future. In a broader sense, the reference is made to the fact that it should be in the general interest of the public prosecution to exercise its competences in a way which is acceptable in countries that support the doctrine of the democratic rule of law of the 21<sup>st</sup> century.

The thesis is divided into two basic parts. The first chapter of the first part deals with historical contexts which were important for the development of the public action. The following chapter analyses the particular models of the public action, the attention is also focused on the enshrinement of public action in the legal order of the Czech Republic and on the decisive legal regulation according to which public action is performed. Finally, there are presented individual areas of application of public action, even the marginal ones.

The second part of the thesis is focused on the competence of the public prosecutor in the proceeding before the court. After the presentation of individual types of court sessions where the public prosecutor is obliged or entitled to participate, it is analysed an enumeration of some important principles for the exercise of the public prosecutor's powers in the proceeding before the court. The attention is focused especially on the public prosecutor in the role of the prosecution, from the moment when the lawsuit is filed to the court to the moment when the legal decision is made by the court on the substance. The last chapter deals with some

considerations of legislative changes in the future, not only the Code of Criminal Procedural Law, but also of the key organizational regulation of the public prosecutor's office system.