

## **Abstract**

The title of this diploma thesis is „The Role of a Public Prosecutor in Criminal Proceedings“. In the Czech Republic, it is Public Prosecution that is granted the right by the Constitution to prosecute criminal offenses on behalf of the country. Activities arising from this right are the main duties of a public prosecutor. The aim of this thesis is therefore to describe said activities. It is done so chronologically with regard to the different phases of criminal proceedings. Other goals include trying to find problematic areas of the laws that govern public prosecutors, trying to come up with possible reasons behind them and proposing their solutions. This thesis also contains comments on some of the recent changes in the rules governing public prosecution.

The first chapter of this thesis contains a brief history and evolution of public prosecution in Central Europe and in the Czech lands as the author believes it is a very useful introduction to public prosecution and its role in criminal proceedings today.

Chapter two of this thesis deals with the laws governing public prosecution. First, the Constitution is mentioned including its article 80 and its problematic placement within the Constitution. The author then talks about other significant laws from which all duties of public prosecution arise.

Chapter three contains the description of the structure of public prosecution and which bodies belong to it. It also deals with the dynamic between these bodies.

The main principles upon which the duties of public prosecutors are built, are laid out in chapter four of this paper as legal principles in general are a very significant source of information when trying to understand why something is governed the way it is. Legal principles are what give criminal proceedings its form and therefore it is crucial to understand them prior to studying the aims and duties of public prosecutors.

The most significant part of this thesis is without a doubt its chapter five which brings a description of the duties of public prosecutors in criminal proceedings from their very beginning. At first, the general role of public prosecutors in criminal proceedings is described, then the author proceeds to explain their duties in preliminary proceedings and in the phase before court.

The final chapter of this thesis, deals with what is known in the Czech Republic as diversions from standard criminal proceedings. These are institutes that allow either the prosecution or the court to not follow the standard path of the criminal proceedings (start – preliminary proceedings – phase before court – judgment). These serve to shorten the proceedings and make them more effective. The Czech Criminal Code knows several of them. Public prosecution plays a big role in using all of them and they are therefore described in a separate chapter which allows for a more in-depth analysis. This chapter also deals with several areas which appear to be somewhat problematic in practice. These include some of the diversions being barely used compared to others or not used as frequently as we hoped when we adopted the respective diversions. In this chapter, said problems are analysed followed by their possible solutions.