

The position of the public prosecutor in criminal proceedings before the court

Abstract

The presented rigorous work provides a comprehensive overview analyzing the position of the public prosecutor in criminal proceedings before the court. Significant attention is paid to selected partial aspects, the significance of which fundamentally determines the position of the public prosecutor in court. The processed overview is then supplemented in appropriate places by considerations *de lege ferenda*.

The logical work is divided into five chapters, which form five parts. The first part is devoted to the historical development of public prosecution, the understanding of which is necessary due to the historical interconnectedness, which had a direct impact on the current form of the public prosecution body in the form of the public prosecutor's office system. The second part of the thesis provides an insight into the position of the public prosecutor's office in the Czech legal system, which is characterized by considerable legal fragmentation. Within this chapter, the shortcomings of the constitutional anchoring of the Public Prosecutor's Office under the executive branch were also pointed out, which has a direct negative impact on the independence of the Public Prosecutor's Office, the regulation of which is also absent from the legal regulation. Through the third part of the work, attention is paid to criminal proceedings before the court and differences in the position of the public prosecutor within the various types of criminal proceedings.

The main part of the work is the fourth part, which deals with the position of the public prosecutor in the main trial. The chapter in question focuses not only on the actual participation of the public prosecutor in the main trial, but also provides a broader analysis of the aspects determining this position, by filing an indictment, through which the subject matter of the proceedings is defined. An equally important issue is the participation of the supervisory public prosecutor in the main trial and the definition of the bearer of the formal burden of proof, which is also addressed in this section. The subject of the final, fifth part of the work are then the specifics of the position of the public prosecutor in a public session. Specific aspects are demonstrated in appeal proceedings, conditional release and in proceedings for the replacement of the consent of a representative of the Czech Bar Association.

Key words:

public prosecutor, criminal proceedings before the court, criminal trial