

Abstract

The topic of this thesis is The Role of the Public Prosecutor in the Court Criminal Proceedings. Its purpose is to characterize the current legislation, processes in the public prosecutor's office, and the role of the public prosecutor in the phase of court proceedings. The aim is to analyze the current legislation, evaluate, and propose possible solutions for the adoption of new legislation. I chose this topic mainly thanks to my interest in criminal procedural law and the issue of public prosecutors in general. Given the ongoing preparation of the new Criminal Procedure Code and the current efforts to adopt a new law on the Public Prosecutor's Office, I believe that this is currently important topic.

The thesis is divided into five major chapters. The first chapter is focused on the development of the public prosecutor's office in the Czech lands from 1437 to the period after 1989. The subchapters are organized by important milestones in the Czech history.

The second chapter contains the legal regulation of the Public Prosecutor's Office in the Czech Republic, but also the organization of the Public Prosecutor's Office. The second chapter is dedicated to the position of the public prosecutor, their rights and obligations. I list the competences of the Public Prosecutor's Office and mention principles that affect and define its activities.

The third chapter is focused on the criminal proceedings in general. I analyze the pre-trial and judicial phase of criminal proceedings and the relationship between those phases. I also deal with the individual stages of criminal proceedings – the preparatory proceedings, the preliminary hearing of the indictment, the main trial, the corrective proceedings and the enforcement proceedings.

The core of the thesis can be found in the fourth chapter, which is dedicated to the role of the public prosecutor in court proceedings. The public prosecutor may (after the end of the preparatory proceedings) file an indictment, a motion for punishment, or propose the approval of an agreement on guilt and punishment, and thus get to the stage of proceedings before the court. I also stress the position of the public prosecutor in the main trial, the preparation of the main trial, the commencement, the evidence itself, and its conclusion. All regarding the rights and obligations of the public prosecutor. The fourth chapter also addresses the issue of proceedings before a single judge from the point of view of the public prosecutor. I deal with proper and extraordinary remedies, i.e. appeal, complaint, and resistance, but also with appeal reopening of proceedings and complaint for violations of the law. In the fourth chapter, I also take the authority of the Attorney General under the provisions of Section 174a of the

Criminal Procedure Code into consideration. I briefly characterize the role of the public prosecutor in the enforcement proceedings.

The fifth chapter contains a recodification of the Criminal Procedure Code and considerations *de lege ferenda*. Regarding the recodification, I sum up the most important changes in terms of the position of the public prosecutor in court proceedings. The considerations *de lege ferenda* are dedicated to the formal burden of proof on the public prosecutor and to the private prosecutor in criminal proceedings.