

Abstract

This diploma thesis is focused on the position and tasks of a judge in pre-trial criminal proceedings and aims to present the role of the judge in pre-trial proceedings on the basis of analysis of his role and specific actions carried out in accordance with the Criminal Procedure Code which he takes part in. Criminal proceedings in general is a topical issue when considering a planned recodification of the Criminal Procedure Code. Moreover, pre-trial criminal proceedings present a significant part of criminal proceedings because all the evidence obtained and gathered in this stage might have a huge impact on the course and decision of a trial. Even though the prosecutor is in charge of pre-trial criminal proceedings, the judge holds an important position in this stage since he decides on actions which interfere with human rights and fundamental freedoms.

The diploma thesis is divided into four chapters which are complementary and logically follow each other. The first chapter deals with criminal proceedings in general; in particular, it contains a definition and tasks of criminal proceedings, parties and subjects and stages. Emphasis is placed on fundamental principles of criminal proceedings as they present the main building blocks and permeate the entire Criminal Procedure Code.

The second chapter is then focused on pre-trial proceedings; especially, its functions, historical development, phases and forms. The correlation between pre-trial proceedings and the trial must not be neglected as this topic is frequently discussed. Also, the upcoming recodification of the Criminal Procedure Code and its planned and crucial changes form a part of this chapter.

The third chapter covers the position and tasks of the judge in pre-trial criminal proceedings in general; in particular, it provides information about establishment of the jurisdiction of a court and forms of decisions which the judge might issue.

In the fourth chapter, there is provided an overview and analysis of specific actions carried out in compliance with the Criminal Procedure Code which the judge in pre-trial proceedings is engaged in. The aim of this chapter is to characterize the action itself and then focus on tasks of the judge, facts and circumstances which he must take into account and the form and elements of his decision.

The last chapter covers a summary of key proposals *de lege ferenda* which were already mentioned in previous chapters. Considering the broad topic, it is not possible to include all issues. The diploma thesis contains recodifications proposals, which should outline deficiencies of current legislation, and case-law.