

# **Appeals in criminal proceedings**

## **Abstract**

This diploma thesis deals with appeals in criminal proceedings. The aim was mainly to analyse the current legislation on appeals and the problematic areas of this institute from the perspective of experts in the field of criminal law, where the thesis offers their different views on fundamental issues related to appeals. These questions concern in particular the functioning of this institute in practice, its effectiveness, economy and efficiency, as well as the evaluation of the principles on which the appeal is based with *de lege ferenda* considerations.

For better orientation of this criminal institute the thesis first maps the development of appeals in criminal proceedings during the second half of the 20th century and the 21st century, when three criminal codes and fundamental amendments gradually came into force, in which the regulation of appeals sometimes changed fundamentally to the current form. In order to get acquainted with the essence of the functioning of this institute of work, it also presents the basic principles and principles that are applied in appeal proceedings. The thesis also introduces the reader to the current legislation of the appeal, when it deals with its nature, characteristics and basic properties, discusses the subject, content and reasons for appeal, the possibility of its waiver or withdrawal, the circle of persons entitled to place an appeal, shows the practice of the trial court before passing the received appeal to the appellate court as well as the practice of the trial court when the appellate court remands the case and also shows the practice of the appellate court during the appeal process and its options of decisions. The work is supplemented by the opinions of courts on practical issues related to the application of appeals in the form of case law. The work also offers the reader a reflection on the fundamental and often discussed issues related to the functioning and application of appeals in criminal proceedings in practice with *de lege ferenda* considerations and planned changes to this criminal law institute within the recodification of the Criminal Procedure Code. It also points to the expansion of the circle of persons who can request a return of the deadline for filing an appeal, provided that it was missed due to emergency measures related to the coronavirus epidemic, in the form of a newly adopted law.

**Key words: appeals, criminal proceedings, defendant**