

An injured party in criminal proceedings and his protection

Abstract

This diploma thesis is focused on the topic of the injured party in criminal proceedings and its protection. The thesis provides explanation of the term of injured party including both positive and negative definitions, enumerates its granted rights. In the following chapters, the author describes other related institutes and provides a critical view on current legislation while proposing relevant changes. The thesis is divided into six chapters.

At first, the term of the injured party is defined in the context of current legislation. This part is introduced with a brief summary of historical development of the term in context of legislation within our territory. In the following chapter, it continues with introducing the term of victim of a crime, which is closely related to the term of injured party. Both of these terms are compared to each other and it is emphasized that they are not hierarchical and cannot be used interchangeably.

Subsequently, enumeration of procedural rights that the criminal code grants to the injured party is provided. Specific legislation related to granting of consent to prosecute by the injured party is examined. The procedural rights are categorized based on whether the criminal code grants a specific right to all injured parties or only to those with claims to be satisfied in accordance with § 43 par. 3 of the criminal code.

The thesis also discusses adhesive proceedings which are the integral part of criminal proceedings. Introduction of this institute is focused on defining basic presumptions for making a ruling in adhesive proceedings as well as on the court ruling in adhesive proceedings itself. Furthermore, the thesis provides an overview of modern approaches to satisfying claims of injured parties, especially in the context of diversion institutes. The thesis continues with the concept of restorative justice and the institute of private legal action is also shortly introduced.

Keywords

The injured person in the criminal proceedings, adhesive proceedings, damages