

# **Participants in misdemeanor proceedings and their rights in application practice**

## **Abstract**

Misdemeanor proceedings are an administrative procedure of public authorities (administrative bodies). Through which, part of the criminal policy of states is implemented. Its main task is to hold the perpetrator liable for their wrongdoing and to protect society from less serious acts - misdemeanors. In essence, it is similar to criminal proceedings, whose objective differs only in that it protects society from more serious acts. It follows from this definition, that the misdemeanor proceedings should not differ significantly from the procedural guarantees observed in criminal proceedings. Procedural guarantees of criminal proceedings are provided through the rights of accused persons.

The subject of this paper is the analysis of procedural rights, especially of those accused of a misdemeanor, but also other participants in the proceedings on the misdemeanor. Emphasis is placed on the content of these rights and the possibility of exercising them towards administrative authorities. To this end, the thesis examines the decision-making practice of supreme courts (European Court of Human Rights, Constitutional Court, Supreme Administrative Court), as well as administrative bodies in the field of administrative criminal policy. Before examining the rights of individual participants in this thesis, the paper will give a general definition of the participant's position in administrative proceedings, followed by a theoretical part on misdemeanor proceedings. Additionally, a general definition of participants in misdemeanor proceedings, and other persons acting in proceedings.

The critical part is devoted to the accused of a misdemeanor, whose rights are significantly affected by Article 6 (3) of the ECHR, which regulates the minimum rights of persons facing criminal charges within the meaning of this article. This thesis will analyze how these minimum requirements for the rights of accused persons are reflected in legal regulations and whether this is done so sufficiently. Attention is also paid to the comparison with criminal proceedings and the identification of deviations between it and misdemeanor proceedings.

The rest of the thesis deals with other participants in misdemeanor proceedings, namely the injured party and the property owner. The thesis focuses mainly on defining the rights of these participants in comparison with the rights of the accused and examines the differences between the rights of these participants.