

Abstract

The Role of the Public Prosecutor in Criminal Proceedings

The diploma thesis deals with the role of the public prosecutor in criminal proceedings. The public prosecutor has an irreplaceable role in criminal proceedings, and he has statutory powers in all stages of criminal proceedings. The aim of this thesis is to provide an overview of the activities of the public prosecutor in criminal proceedings and to make an analysis of two selected areas. This thesis consists of five parts, which are further divided into chapters. The first part deals with the historical development of public prosecution in our territory between 1918 and 1993. It provides a brief overview of the fundamental change that public prosecution has undergone in this period. The second part is dedicated to the general characteristics of the Public Prosecutor's Office. The first chapter focuses on the constitutional definition of the Public Prosecutor's Office. The next chapter deals with the description of the Public Prosecutor's Office and the method of filling the position of the public prosecutor, part of the chapter describes the issue of supervision within the Public Prosecutor's Office. The last chapter provides an overview of the public prosecutor's powers outside the area of criminal proceedings. The third part focuses on the powers of the public prosecutor in criminal proceedings and describes how the role of the public prosecutor changes in the various stages of criminal proceedings. In the next chapters, attention is paid to the tasks of the public prosecutor in the pre-trial proceedings, then in the trial proceedings and in the appeal proceedings. The last chapter outlines the activities of the public prosecutor in the execution proceedings. The fourth part is dedicated to the issue of supervisory powers of the public prosecutor in pre-trial proceedings [Section 157 (2) and 174 (2) of the Code of Criminal Procedure] through which the public prosecutor performs supervision over upholding legality in pre-trial proceedings. In the following chapters, the individual supervisory powers are analysed. The fifth part deals with the powers of the Prosecutor General in criminal proceedings. The first chapter describes the powers granted to him by the Act on Public Prosecutor's Office. Second chapter deals with the power of abolishing unlawful resolutions [Section 174a of the Code of Criminal Procedure] and the third chapter focuses on the role of the Prosecutor General in extraordinary appeal proceedings.