

Abstract

Cooperating defendant and other institutes in the fight against organised crime

Organised crime currently poses a major security risk that not only threatens the interests of individuals, but also the interests of society. For this reason, society's law enforcement authorities are pushed to investigate it quickly and effectively, and various means and instruments are enshrined in criminal law to do so. This thesis deals with the institutes in the fight against organized crime and aims to provide an insight into the means used, their legal definition and practical application, including pointing out possible shortcomings of the current legislation.

The thesis first examines the definition of organised crime as such, including its existing definitions and characteristics. The issue of terrorism, which has several common and divergent features with organised crime, deserves separate attention. The second and third part of the thesis is devoted to the most important means of combating organized crime, which is the institution of the cooperating defendant. To understand all the background, the thesis first discusses the historical development of the institute and its comparison with the Crown Witness. Next, the thesis already addresses the various conditions regulated by the Criminal Procedure Code for the application of the institute of the cooperating accused and the consideration of the granting of such a status in sentencing considerations. Last but not least, this thesis highlights the practical application of the institute, in which there is a conflict with the principles of criminal law, including drawing attention to the existing shortcomings of the current legislation, and the concept of the cooperating accused in the future. In the fourth and fifth parts, the thesis discusses other selected means of combating organized crime, which are interception and recording of telecommunication traffic and operational search means containing individual tools such as the use of an agent, a pretended transfer, or surveillance of persons and things. First, the legal framework of the individual instruments contained in the current legislation is defined, and then emphasis is placed on the use of the institutes in practice, including problematic areas of their application.

Key words: organised crime, cooperating defendant, operational search instruments