

Criminal proceedings costs in relation to case law

Abstract

This thesis deals with the issue of costs of criminal proceedings from the perspective of *de lege lata* and *de lege ferenda*, with regard to domestic case law. Therefore, the content of this thesis is a comprehensive presentation of funds spent by the state or parties (their representatives) in a particular criminal case.

First of all, this thesis concerns itself with the general characteristics and definition of the costs of criminal proceedings as such. This is followed by an analysis of the costs of criminal proceedings under the applicable law in the Czech Republic, which is deliberately divided into two larger units - substantive aspects and procedural aspects.

Within the substantive aspects unit, the costs of criminal proceedings, which are borne by the state, and the ones borne by the victim are described and analysed in turn. In this part of the thesis, the costs of the state, for which the state has (or may have) the right to compensation, are then separated from the costs for which the state does not have such a right, as well as the costs of the victim determined by their success in the adhesion proceedings. Procedural aspects of the law include the procedures for deciding on specific costs of criminal proceedings (and their compensation), including a note on possible ways of correcting or reversing the decision on them, as well as the issue of their enforcement.

This is followed by a chapter dealing with the costs of specific proceedings, such as juvenile criminal proceedings, proceedings concerning children under the age of 15, criminal proceedings against legal persons and proceedings for the recognition and enforcement of a foreign ruling.

The rigorous thesis presents relevant interpretative and applicative problems related to the legal regulation of the costs of criminal proceedings, which manifest primarily in case law practice. The identified problems and shortcomings of the legal regulation, especially with regards to the draft of the new Criminal Procedure Code, are addressed in the last part of the thesis, which is devoted to *de lege ferenda* considerations concerning the costs of criminal proceedings in the Czech Republic.

Key words: costs, criminal proceedings, criminal code