

THE ISSUE OF THE CONCEPT OF CRIMINAL CUSTODY

Summary

My thesis analyzes the legal regulation of custody. Custody is traditional part of criminal procedure and still alive because criminal law especially custody is always touching human rights. That is why the legal regulation of custody is so important and necessary. The aim of the thesis is to explicate the Czech legal regulation of custody, point out some concrete problems in application of custody and explain draft of new Code of Criminal Procedure.

The thesis is divided into eight chapters. Chapter One presents the aim of the thesis and the main aspects of custody which are described in next chapters.

Chapter Two examines relevant European and Czech legislation which deals with right to liberty and deprivation of someone's liberty. This chapter is subdivided into three subchapters. The first and second subchapters describe limitation of deprivation of liberty in public international law and European law. The third subchapter focuses on Czech constitutional law and human's liberty.

Chapter Three defines basic terminology, describes development of Czech law focused on custody since 1918, principals which the custody is based on and the difference between custody and punishment.

Chapter Four is divided into four subchapters and provides an outline of the Czech Criminal Procedure focused on substantive law of custody, matter of custody and alternatives to custody.

Chapter Five is concerned with Criminal Procedure connected to law of custody. It includes subchapter which points out the right to hearing and it's illustrated in many judicial decisions.

Chapter Six is divided into three subchapters and concentrates on special legislation of young offenders.

Chapter Seven reports on the draft of new Code of Criminal Procedure which is being prepared now. It brings changes especially in proceeding and it makes the procedure of making decision faster.

Chapter Eight presents conclusions. The main aim of the thesis is to describe and evaluate legal regulation of custody in Czech criminal procedure. I tried to describe how narrow the border between legal application of custody and the breach of the human rights is.

Key words: vazba - custody; právo být slyšen – right to hearing; trestní právo procesní – criminal procedure