
11 RESUME

This doctor thesis describes the position of a defender during a criminal procedure. The thesis is divided into 9 sections that deal with the defender's rights and duties, institute of obligatory defense, chosen defender and appointed defender; plurality of defenders and collective defense of more accused. The defense tactics and the defender's defense in a procedure with youths are described as well.

Some chapters compare the Czech Criminal Procedure Code with the German one and also include *de lege ferenda* ideas of the author. You can also find some examples of the U.S. Supreme Court findings that relate to the collective defense of more accused by one common defender.

There is a principle present throughout the thesis that defense right is fundamental civil right and that is also the reason why it is one of the fundamental principles of the Czech criminal procedure. The defense of the defender is one the most important rights within the criminal procedure and should guarantee all other rights. The defense is actually helping to clarify and decide the issue in a way that the defendant will not be charged with the act he did not commit or if committed then it will not be proved and in case of need that he will not be punished severer then he should.

It is important to not to miss out that all procedures and all actions of legal counseling should be in accordance with the law and professional regulations and as a result of a fact they cannot breach the limits of the criminal defense, methods and procedures.

Conclusion of this thesis is dedicated to the current subject that being the update of the Czech Criminal Procedure Code that have been changed 56 times until today. The aim of the re-codification is to make the criminal procedure as effective and fast as possible.

The re-codification of the new criminal procedure takes into account the history of legal theory and practice particularly from European countries with developed democratic systems. This new conception emphasizes that it is better to prevent a crime than to punish it. The re-codification in relation with the topic of the thesis discusses about the reasons of obligatory defense, which should be to some extent modified, about interim measures with its purpose to protect the sufferer. It is interesting to find there a possibility to cease the criminal prosecution because of the lack of public interest. Certain breakthrough should be a special type of a procedure allowing agreement about the guilt and punishment.