

Resumé

The shortcomings in preparatory phase of criminal proceedings and their consequences

Summary

This thesis deals with *shortcomings in preparatory phase of criminal proceedings*. This term covers various kinds of illegal or incorrect behaviour of participants of criminal proceedings, which can occur within the preparatory phase and which lead to negative legal consequences. The thesis intends to describe the most common examples of shortcomings, which have been already mentioned in judicial cases or legal doctrine, and their specific consequences as well. Due to the large extent of the given subject matter, the thesis does not try to cover all possible topics. The thesis rather covers the more important parts of preparatory phase of criminal proceedings, e.g. the evidence, custody, wiretap.

The thesis is divided into three main chapters and several supplementary parts (Introduction, Conclusion and List of sources).

The first chapter focuses on general issues relating to preparatory phase of criminal proceedings. This chapter deals with definition, aims, functions and basic principles of the preparatory phase of criminal proceedings. The largest part of this chapter relates to specific forms and phases of the preparatory proceedings. The chapter also contains short part about the history of legal regulation of preparatory phase of criminal proceedings.

The second chapter focuses on general considerations about the shortcomings in criminal proceedings. This part is the most theoretical one. In the first instance, the chapter contains the definition of the term *shortcoming in preparatory phase of criminal proceedings*. Furthermore, the chapter contains the classification of the shortcomings according to different criterions (e.g. causes, consequences, responsible persons).

The last chapter focuses on specific examples of the shortcomings, which have been already described in judicial cases or legal doctrine. This chapter is the largest one. The chapter is structured in several parts according to a kind of activity of police, prosecutors and courts, which is undertaken during the preparatory phase of criminal proceedings (e.g. obtaining and assessing of the evidence, taking the defendant in custody, issuing the warrants, using of the agent). Each part enumerates the specific examples of shortcomings and their consequences for the criminal proceedings.

In Conclusion, I attempt to assess, whether I was able to achieve the aim of the thesis and whether the legal regulation of the issues relating to shortcomings in the preparatory phase of criminal proceedings is sufficient or not.