

## Resume

This thesis deals with the first degree offence proceedings. Taking into consideration a large extent of the topic, the thesis is focused just on few of the most important institutes.

Besides a short definition of the basic terms and their contents, the thesis aims its attention to sources in which an adjustment of offence proceedings on international as well as national level is included. Especially European Convention on Human Rights and activity of European Court on Human Rights (ECHR) that is connected to the Convention are important elements in the system. On the basis of ECHR's autonomous interpretation of the term "criminal charge", many fundamental rights formerly designated only for criminal proceedings have been applied within the field of administrative sentencing as well. This dissertation follows up in detail some decisions of the court, its argumentation and considerations that lead to its final conclusion. A significant role in this field plays Recommendation of the Committee of Ministers of Council of Europe no. R (91)1 on Administrative Sanctions in which ten basic principles are defined. These principles protect basic rights of a defendant and should be guaranteed during offence proceedings by the state. Then, main sources of the treatment of this area on the internal level are described, the relationship between Law No. 200/1990 Coll., regulating offences as special instruments, and Law No. 500/2004 Coll., the Administrative Procedure Code, that is in relation of subsidiarity to the aforementioned one. This is followed by brief comparison with other European countries' regulations and a suggestion how to deal with the issue in the future.

The attention is primarily paid to the main institutes of offence proceedings, from its very beginning until the final decision. The focus of this thesis lies in the analysis of particular pieces of evidence that can be used by the administrative authority, evidence implementation and their evaluation by the administrative authority. The administrative authority takes responsibility for proper detection and explanation of the issue of fact. It is the administrative authority that is accountable for onus of proof, not the participants. In addition, with the exception of proposal offences where disposition principle is partially applied, the whole procedure is controlled by the principle of officiality. The problems with probation are not mentioned in the Act on Transgressions and thus the general regulation defined in the Administrative Procedure Code is applied in such cases. The emphasis is put primarily on working with pieces of knowledge of the newest judicature connected to the topic. The thesis

also pursues oral negotiations which are one of the main features of the first degree offence proceedings. During this phase the defendant is fully provided with his procedural laws. In compliance with “no man is bound to accuse himself“ law, the defendant must not be forced to cooperation or to adduce evidences against himself. The significance of the oral negotiations is grounded in educational as well as preventive function. Yet, they can be effective only if the defendant is attending the talks. The attention is also partially paid to the decision itself.