

Abstrakt v anglickém jazyce

Problems of the institute of custody

This thesis focuses on the problems of custody in the Czech legal system. This dilemma belongs to the branch of criminal law and is regulated by the Rules of Criminal Procedure.

Custody is one of the penal provisory instruments. Custody serves to guarantee the attendance of the accused at criminal proceedings because the accused can be interested in the absent from the criminal procedure. It is a manifestation of coercive authority of body active in criminal procedure on the basis of the Rules of criminal procedure.

The purpose of custody is to protect society or particular individuals from serious offences. An accused can only be put in custody if there are reasonable grounds for believing that he will attempt escape, affect witnesses, expert witnesses or co – defendants or that he will continue to commit a crime or perpetrate a further crime. According to these three situations we distinguish three types of custody namely runaway custody, collusive custody and preventive custody.

Main focus of this thesis is to shine a light on problems that appeared during the time in the topic of custody. For this I used a statistical data from the institution that have something to do in procedure of the custody. Especially Prison service of the Czech Republic, judges, state attorneys and lawyers.

During my work on this thesis came effectiveness the statute Nr. 459/2011 it was one of the most important change in a procedure of the custody decision making. Especially this statute react on practice of the Constitution court of the Czech republic.

Big topic of this thesis is substitution of custody, there you can find other “ways” that can be used instead of the custody like a “promise”, “custody bail” e.t.c., but there could be some statute that will change these tools that could judge use them more often.

In the end of this thesis you can find some comparison with other law systems in Europe like a Slovak Republic, Austrian Republic, Germany or France and many others.

Finally, the last chapter is about my opinion of the legal regulation of custody in Czech law. I think that present regulation is in conformity with human rights and

according the international law. Maybe there is a time to improve the substitution of the custody and that could help to reduce the number of defendants that spending their time in the custody. Cause problems of the custody are not yet solved and probably they will be never solved.