

Abstract

The presented thesis addresses the issues of the position of an injured party and a victim in Czech criminal procedure, including procedural rights they are granted by the Czech Criminal Procedure Code and currently also by Act No. 45/2013 Sb., on Victims of Crime. The purpose of this work is to analyze in detail this legal regulation in force, including its impact on applicatory practice of the state authorities involved in criminal procedure with emphasis on its application within the state prosecution service. The aim of the thesis is to provide the detailed analysis of the regulation in force in relation to the injured party as well as a victim of crime, provide its critical evaluation, find its flaws and outline *de lege ferenda* suggestions. The work is concerned with two extensive thematic topics, i.e. the injured party and his/her procedural rights and then a victim of crime, to which the work structure of seven chapters corresponds. Each chapter deals with a different aspect of the injured party and victim participation in criminal procedure, the first chapter describing the development tendencies and changes the procedural regulation underwent in the past just in relation to the injured party. The second chapter focuses on the technical terms issues related to the legal definition of the injured party in criminal procedure and also on the injured party classification. The third chapter dedicated to the injured party's procedural rights delivers, after the introductory classification of procedural rights, the detailed analysis of selected ones. Specifically, it analyses the right of the injured party to inspect a criminal case file, the right to privacy, but in particular the injured party's right of disposal over proceedings, including selected problems related to its exercise. This chapter omits neither the issues of representing the injured party in criminal proceedings nor the legal institute that allows safeguarding his or her claims to the damages, to the remedy for non-proprietary harm and to returning the unjust enrichment. In the fourth chapter, the injured party position in the individual stages of criminal procedure is explained therefore the chapter is subdivided into four subchapters. The work also explains the rights of the injured party in relation to decisions about the alternatives to the standard procedure (procedural diversions). New Act on Victims of Crime and selected victims' rights are dealt with by the fifth chapter. The subject matter of

the sixth chapter resulted from comparing the injured party position pursuant to the Czech Criminal Procedure Code and the procedural regulation pursuant to the Slovak Criminal Procedure Code. The last chapter briefly outlines de lege ferenda suggestions in relation to the injured party as a substantial subject of criminal procedure.