

Abstract

Mgr. Ing. Svätopluk Kusala: Comparison of criminal and civil trial in ancient Rome (Rigorous thesis) / Mgr. Ing. Svätopluk Kusala – Charles University in Prague. Faculty of Law, Department of History of Law – Supervisor: Prof. JUDr. Michal Skřejpek, DrSc., Degree of Qualification: Doctor (JUDr.). Prague: FP, UK, 2014, 126 p.

The objective of this thesis is comparison of civil and criminal trial in ancient Rome. Thesis is divided into five chapters.

The first chapter characterizes the proceedings in case of *legis actio* and comicial trial. Subsequently, the common characteristics as well as differences are identified.

The second chapter analyses the course of *per formulas* proceedings in private trial and activity of juries (*quaestiones perpetuae*). Common characteristics and differences between civil and criminal proceedings are described as well.

The third chapter features analysis of extraordinary proceedings (*cognitio extra ordinem*) emerging during the Emperor era, when two trial types for criminal and private law from previous periods got replaced by only one type of trial. Proceeding specifics are explained in terms of civil and criminal trial.

The fourth chapter focuses on analyzing the defined procedures in case of applying extrajudicial means, following completions of civil law by roman praetor within his judicial jurisdiction. It also describes implementation of self-help in civil and criminal law. Eventually it outlines the criminal jurisdiction execution by roman magistrates (*coerticio*) and the *provocatio ad populum* institute.

The last chapter gives perspective on a typical case of civil and criminal trial difference – the execution of decrees after issuing a condemning sentence in case of civil trial and ways of executing penalties after conviction in criminal trial, including options of avoiding the penalties by departure into exile (*ius exilium*) during the Republic era.

Keywords: Roman civil trial, Roman criminal trial.