

## **Abstract: The issue of the concept of criminal custody**

The subject matter of this diploma thesis is “The issue of the concept of criminal custody”. Custody being an institute of the procedure criminal law is a very problematic securing instrument that limits rights of a convicted person. Custody is often the subject of disputes which is reflected on the case decisions of the Constitutional Court of the Czech Republic and on the decisions of international courts.

The diploma thesis is divided in five chapters. Starting with a short introduction into the issues of custody, in the first chapter we describe its historical development in the Czech Republic and we concentrate mainly on statutory and amendatory acts after year 1989.

The second chapter discusses the term and idea of custody, its purpose, main features and custody principles.

The third chapter focuses on substantive enactment of custody, specifically on conditions for custody and their definitions. This chapter also includes examples of judicature of the Supreme Court of the Czech Republic. Custody substitutions are also treated in this chapter as well this chapter include the new preliminary precautions.

The forth chapter discusses formal legal custody right and explains the way the substantive custody rights, explained in the previous chapter, are implemented by the specific bodies of the procedure. This chapter focuses on decisions about custody, the new custodial meeting, the right to be heard, the maximal possible length of custody and other custodial decisions.

The last chapter presents the law of youth custody, departures from the law included in the Act on Youth Criminal Justice reacting on special needs of juvenile defendants and the way to approach them in accordance with their age and maturity.