

Abstract

An injured party in criminal proceedings and his/her protection

This diploma thesis is focused on position of an injured party in criminal proceedings and his/her protection, which means rights, that are given to an injured. The thesis is divided into five chapters. It draws information from legal literature, legal articles, case law and other.

The first chapter focuses on definition of an injured and his/her position in criminal proceedings. This chapter contains interpretation of sections dealing with definition of an injured person (§ 43 paragraphs 1 and 2, § 44 paragraph 1 and § 310a of the Criminal Procedure Code) and interpretation of related topics such as representation of an injured, payment of the costs of an injured, distinguishing between the terms injured party and victim and the position of an injured as an entity involved in criminal proceedings and the procedural party.

Procedural rights of an injured are introduced in the second part of the thesis. They are divided into two groups according to whether they are given to all injured or only to those meeting requirements in section 43 paragraph 3 of the Criminal Procedure Code. There are short subchapters concerning two interesting issues - a prosecution with consent of an injured and a right to effective prosecution.

Decision making of damages in criminal proceedings is a topic of the third chapter. It is focused on all parts of this procedure. It concerns for example the way of enforcement of the right to damages, an obstacle for enforcing the right to damages, particularity of damages in criminal proceedings, succession and types of decisions about damages in criminal proceedings.

The fourth chapter deals with the position of an injured party in three types of diversions in criminal proceedings - plea bargaining, settlement and conditional suspension of prosecution. This chapter introduces rights of an injured in these diversions, shortcomings of the legislation and differences between these types of diversions and standard criminal proceedings.

The last part of the thesis is devoted to reflections de lege ferenda. It contains short list of suggestions for improvement in criminal proceedings which are frequently

being mentioned. Three suggestions (the right to file an opposition to penal order, civil action and subsidiary action in criminal proceedings) are elaborated more specifically.