

Abstract – Cooperating defendant

The aim of the thesis, which deals with the legislation of a cooperating defendant in the Czech Republic, is in particular to provide a comprehensive view of the institute of cooperating defendant in a broader context, to point out the shortcomings of current legislation and to propose suitable solutions *de lege ferenda*.

In the first part, the author deals with the definition of organized crime in the criminological and criminal perspective. The thesis discusses the historical evolution of the phenomenon of organized crime, analyses individual characteristics of organized crime, shows forms of crime committed by organized crime, differs organized crime from the other forms of group criminality and deals with the problematic definition of organized crime at the international level. Further the thesis deals with provisions of the Czech law, which relate to the area of organized crime. This part of the thesis also introduces readers to the numbers of prosecuted, accused (defendants) and convicted persons of the crime of participation in an organized criminal group (before year 2010 crime of participation in a criminal organization) for the last 10 years.

The second chapter pays attention to the short historical excursion to the beginnings of application of the institute of crown witness, explaining the possible approaches to the understanding of this concept and distinguishes it from cooperating defendant. Further it points out institutes of cooperating defendant and crown witness in the light of some constitutional principles and the principles of criminal law and attempts to answer the question whether these institutes can be considered as compliant with the principles of the rule of law.

The topic of the third chapter is the initial efforts on inclusion of cooperating defendant and crown witness in the Czech legislation. The author presents legislative proposals, which contained these institutes and discusses the proposed version concerning the cooperating defendant and the crown witness.

The focal point of the thesis is the fourth chapter, which is devoted to analysis of effective legislation of the cooperating defendant. The author describes and analyses the provisions of the Criminal Procedure Code and the Criminal Code that relate to the cooperating defendant, while she highlights the short comings of this regulation and proposes

appropriate solutions *de lege ferenda*. The end of this chapter presents results of research on the frequency of application of cooperating defendant in practice.

In the last chapter, the author compares the Czech legislation of cooperating defendant with Slovak legislation.

In the end, the author summarizes the findings reached by analyzing the institutes of cooperating defendant and crown witness in the context of the issue of organized crime, assesses the current legislation of cooperating defendant in the Czech Republic and offers solutions *de lege ferenda*.

Key words: cooperating defendant, crown witness, organized crime