

Abstract

The submitted diploma thesis is dedicated to criminal order and its main objective is to provide coherent summary of the issue with a focus on recent legal regulation. It addresses arguable elements of legal regulation and suggests possible solutions for the future in individual chapters. The diploma thesis is divided into six chapters. The first one contains Introduction and the sixth one Conclusion of the thesis.

The second chapter deals with historical development of the criminal order and is divided into three subchapters. The first subchapter summarizes the legal regulation of the criminal order between 1873 and 1950. The second subchapter covers the return of the criminal order to the Czechoslovak legal order in 1973 and the third one follows changes of the legal regulation in the 1990s.

The core of the diploma thesis is found in the fourth chapter which includes the effective legal regulation of the criminal order and incorporates the relevant case law of Czech courts. After a brief opening summary of the legal regulation the attention is paid to three main conditions for delivery of criminal order, punishments to be imposed by criminal order, situations in which criminal order cannot be delivered, the content of criminal order, its nature, legal force and delivery and its associated effects.

The fifth chapter deals with protest as a remedy against a criminal order. It contains the treatise on persons entitled to submit it, term within which such persons may exercise their right, waiver and withdrawal of the protest, its effects, criminal trial which follows after submitting the protest, or the ensuring of the right of the accused to a fair trial.

The most important positives and negatives of the current legal regulation of criminal order and proposals de lege ferenda are briefly summarized in the Conclusion of the diploma thesis.