

Abstract

The injured party in criminal procedure and his/her protection

The diploma thesis deals with the position of the injured party in criminal proceedings and protection of the injured. It is divided into six chapters, the first chapter introduces the topic and the last presents the conclusions. The thesis is based on legal regulations, professional literature, case law, as well as electronic sources.

The second chapter focuses on defining the concept of the injured party. It also addresses the difference between the injured party and the victim of a crime.

The third chapter of the diploma thesis describes the aspects that may be used to classify the rights of the injured party. In this part of the diploma thesis, besides the first subchapter focused on the issue of classification of rights, there are four other subchapters. The first one is concerned with the rights of the injured party not entitled to monetary compensation, other than proprietary loss or surrender of unjust enrichment; the other deals with the rights of the injured party entitled to such claims. These chapters provide examples of such rights and deal with certain claims. These claims are described in more detail and deficiencies of the legislation are mentioned. The fourth subchapter focuses on the rights of the injured party stated in the Juvenile Justice Act and the fifth subchapter on the rights of minor injured parties.

The entire fourth chapter deals with other than proprietary loss. Specifically, it focuses on the bases and criteria the courts consider when deciding on satisfaction of the other than proprietary loss. This chapter also deals with the satisfaction amount. The fifth chapter is divided into three subchapters. The first one focuses on other than proprietary loss in the Civil Code in general. The second subchapter is concerned with other than proprietary injury to health under Article 2958 of the Civil Code. The third subchapter discusses the current bases for determining the satisfaction amount for mental distress of close persons under Article 2959 of the Civil Code.

The conclusion deals with the deficiencies in legal regulation of the position of the injured party. Initially, examples of areas that, in my opinion, should be improved in the future are presented. The issue of impossibility to file a protest by the injured party is outlined here.