

Abstract

This thesis deals with the *favores defensionis* as a part of Czech criminal procedure. These institutes traditionally include, for example, prohibition of *reformatio in peius*, *beneficium cohaesionis*, the recurrence of a time-limit, the defendants' right of the last word, the order of closing arguments and some others.

This topic is not typical for the Czech legal literature. There are some articles about specific institutes, but there is no law paper that would deal with the *favores defensionis* in general.

The main aim of this thesis is to describe what the *favores defensionis* are, which form they take in the Czech law and how they should be regulated in the new Czech criminal procedure. The fundamental question of the thesis is whether the *favores defensionis* need recodification.

The thesis is composed of seven chapters. The first four describe legal regulation *de lege lata*, the following three chapters discuss *de lege ferenda*.

Chapter One describes the reflection of *favores defensionis* in the Czech legal literature and defines the concept of *favor defensionis*. Chapter Two characterises specific institutes which fall under the *favores defensionis*. Chapter Three focuses on the relationship between the *favores defensionis* and some of the basic principles of the Czech criminal procedure. Chapter Four examines which specific institutes have the constitutional basis and which of them do not, because the institutes without support in constitutional law can be changed more easily. Chapter Five refers to the current proposal for the new Czech criminal procedure and its impact on the *favores defensionis*. Chapter Six presents modifications of the *favores defensionis* in the case of enactment of the formal burden of proof of the public prosecutor. Chapter Seven concerns the injured party and their rights which correspond to *favores defensionis*.

In the conclusion the content of all chapters is summarized and the fundamental question is answered.