

Summary

Lay element in criminal justice; comparison of Czech and French criminal law

The subject of my thesis is a lay element in criminal justice. A lay element in criminal proceeding is a phenomenon the origins of which date back to ancient Greece. Its role before the court is unique. Laymen contribute to openness of justice, fairness and legitimation of rulings as well as control the judges and help to strengthen citizens' confidence in judiciary and law observance.

There is a long tradition of this element in the Czech Republic. Despite this fact, the abolition of lay-judges in District Courts is being considered these days. In addition, within the Czech legal literature the issue of participation of the lay element in criminal justice is marginalized. With regards to these facts I have decided to write this thesis in order to assess effectiveness of proposed lay-judge abolition, and to bring the issue of popular justice closer to the reader.

My thesis is divided into five parts. The introductory section explains why I have chosen the topic, what the aims of my thesis are, and what methods have been used for their achievement.

In the first part I have focused on the lay element in the Czech criminal justice, lay-judges. Its four subchapters describe the institute, the methods of its creation and extinction and its position in the proceeding. At the end I summarize all the information mentioned above and on its basis I consecutively assess the role of lay-judges in the Czech criminal proceeding.

The second part deals with the participation of the lay element in the French criminal proceedings, the jury. Within its four subchapters readers can learn about the institute, the method of jury creation and the position of jurors in the criminal proceeding. The final section is the summary of all gained information as well as the appraisal of the jury role in criminal proceeding.

The third part is focused on comparing the two institutes mentioned above. It is based on the method of comparison, which I have chosen to achieve the aims of my thesis, and which is done by means of the descriptions of identical and different features in both Czech lay-judges and French jury.

The last chapter represents the summary of the thesis. Their aims are to do the comparative analyses of the two above mentioned forms of laymen participation in criminal justice, and to judge if the proposed abolition of lay-judges in District Courts is advisable. In my opinion, the lay element plays a vital role in the judicial practice, and the proposed abolition of lay-judges in District Courts is not advisable. However, it is necessary to mention that the current legal regulation is not sufficient, and therefore needs to be changed fundamentally.