

## **Abstract – Cassation and appeal in the criminal procedure code**

The subject of my thesis is a cassation and appeal principle used during a criminal proceedings. Both principles control criminal proceedings within the meaning of determination of the appeal body jurisdiction, especially how to treat a first instance judgement that is opposed to a factual or legal flaws. Current legal regulation tends to apply the appeal principle with a restricted appeal elements and in compliance with the factual intentions of a legal code. This trend will continue in the future as this approach is implemented in the forthcoming legal code provisions.

The thesis is divided into five chapters. The first chapter present the historical excursus of the Czech judicature evolution. It presents difference between civil and criminal law.

The second chapter discuss a legal remedy system and is mainly focusing to define terms such as appeal, cassation and revision. The aim is to clarify the legal remedy principles and also to explain the purpose of reviewing procedure during a criminal proceedings with accent to a three main roles of the reviewing procedure: general, immediate and extended which all represent main criminal proceedings principles.

The subject of the next chapter is focused on a relationship of the cassation and appeal principle towards the legal remedy proceedings, judicial impartiality, the reformationis in peius principle, the beneficia cohaesionis principle, principle of binding cassation adjudgement complied with police and judiciary prosecuting authorities and lastly the de similibus idem est iudicandum principle. The aim is to outline to what extent is the cassation or appeal principle used with regards the above mentioned principles.

The fourth chapter interpret a correlation of the cassation and appeal in a context of the basic criminal proceedings rules which are stated in § 2. As in the previous chapter there are a several principles stated to demonstrate to what extent are cassation and appeal principles applied and what measures ensure the compliance with these basic principles which in fact define the criminal proceedings.

The last chapter outlines a future application of cassation and appeal principle especially with regards of the forthcoming legal code provisions. Substantial part of this chapter is focused on a comparison of the cassation and appeal principles implemented in the current and the previous legal code provisions. The significant legal code amendment which was incorporated into the Czech law is discussed in context of diminishing role of the cassation principle and strenghtening role of the appeal principle.