

Non-criminal competence of public prosecution and its utilization in criminal proceedings with a focus on economic crimes

Abstract

This rigorous thesis focuses on the non-criminal competence of the public prosecutor's office and its interconnection with the criminal competence with a focus on bankruptcy crimes. The aim of this thesis was, on the one hand, to describe the content of the non-criminal competence of the public prosecution as a whole, the procedural position and legitimacy of the different levels of the public prosecution when participating in civil court proceedings and, on the other hand, to focus on the acquisition and use of knowledge gained from the non-criminal competence in criminal proceedings.

Particular attention is then focused on activities of the regional prosecutor's office in the non-criminal area of law, its specific activities in this area and, in particular, on the knowledge obtained from the non-criminal activities of this part of the system and their use both for the ongoing criminal proceedings and for their examination in the criminal proceedings. The attention of the Regional Public Prosecutor's Office in obtaining knowledge from the non-criminal jurisdiction is focused in particular on bankruptcy offences and economic crime as a whole, and last but not least, the interdependence of individual legal fields, i.e. criminal law with other legal fields concerned, in particular civil law, commercial law (including corporate law) and insolvency law, is ascertained. The author draws her knowledge from the practice of the prosecutor of the non-criminal section of the Regional Prosecutor's Office in Ústí nad Labem.

The thesis is divided into fourteen chapters, except for the introduction and conclusion. The first chapter focuses on the legal framework regulating the competence of the prosecutor's office and the regulations governing its criminal and non-criminal competence, with a focus on the non-criminal part. The next chapter is a brief historical excursus into the development of the prosecutor's non-criminal jurisdiction, followed by a chapter on the European regulation of non-criminal jurisdiction. The fourth and fifth chapters describe the basic principles and tasks of public prosecution and the system of public prosecution from the perspective of extra-criminal jurisdiction, with the specifics of the organization in the district of the Regional Public Prosecutor's Office in Ústí nad Labem. In chapter six the author focuses on the definition of public interest as a key

concept in the exercise of the non-criminal competence of the public prosecutor's office. Chapters eight to eleven focus on the actual exercise of the prosecutor's extra-criminal jurisdiction, a description of individual civil proceedings, the procedural position of the prosecutor's office in individual types of proceedings, the means used to exercise extra-criminal jurisdiction and a description of the acquisition and disposal of knowledge. In the next part of the thesis, the author deals with the definition of bankruptcy offences, which are directly related to the non-prosecutorial jurisdiction of the prosecutor's office, then evaluates relationship between insolvency proceedings and criminal proceedings and connection between corporate law and criminal liability of legal persons. The thesis concludes with a discussion on some issues that are difficult to resolve in practice due to conflicts between insolvency law and corporate law on one side and criminal law on the other side. The author analyzes whether current non-criminal jurisdiction is sufficient.

Keywords

public prosecutor's office, non-criminal jurisdiction, bankruptcy offences