

Problems of public prosecution

Abstract

The subject of the diploma thesis is a systematic description of the characteristic features of the effective law regulation of public prosecution, its critical analysis and subsequent identification of its shortcomings with a possible proposal for its possible solutions. A public prosecution constitutes the protection of the public interest by means of the penal code, thus showing a close link with the criminal code and also with the right to a fair trial. The body of public prosecution is a very important institute in a democratic state governed by the rule of law, and therefore this thesis focuses first on the basic aspects defining this body, and then on identifying its shortcomings and looking for possible solutions aimed at making public prosecution legislation more efficient. The thesis focuses on the theoretical basis and with the help of a questionnaire survey created for the purposes of this thesis, also on the problematic issues that arise in the use in practice.

The main focus of the diploma thesis is contained in its second and third part. The first part of the diploma thesis deals with the definition of the term public prosecution and its historical development, in order to understand the very essence and roots of the public prosecution body. Therefore, the first part of the thesis deals with the Public Prosecutor's Office in the Czech Republic and its constitutional grounding, the public prosecutor's co-responsibility for a fair trial, as well as the role in criminal and non-criminal areas. This first part of the diploma thesis ends with a brief comparison of the Anglo-American and continental concepts.

The second part of the diploma thesis analyses the current legal regulation of public prosecution in connection with the Criminal Procedure Code, which points to the close relationship between the Public Prosecutor's Office Act and the Criminal Procedure Code with an analysis of significant amendments. This part of the diploma thesis also deals with the unsuccessful bill on the Public Prosecutor's Office with reference to its organizational problems.

The third part of the thesis deals with specific problems and shortcomings of public prosecution and points to their interconnectedness. The specific issues discussed are: the formal burden of proof of the public prosecutor, the principles of legality, opportunity and officiality in relation to the role of the public prosecutor in criminal proceedings, supervision and supervision in the public prosecutor's office and the impartiality and independence of the public prosecutor.

Keywords: public prosecution, public prosecutor, criminal proceedings