

Appeal

Abstract

This Master's thesis introduces the Czech legal regulation of the institute of appeal in criminal proceedings. First of all, it focuses on the subjective and objective conditions of appeal and analyses the course of proceedings before the court of appeal. The main aim of this work is to present the concept of the current legal regulation and thus provide the reader a basic and comprehensive concept of this remedy. This thesis offers a view of the individual points of the current regulation of the institution of appeal through the eyes of experts in the field of criminal law and at the same time presents my own views. The thesis also briefly discusses and evaluates the forthcoming changes to the appeal procedure that are contemplated by the government's draft to recodify the Code of Criminal Procedure, which was presented to the public in the autumn of 2022.

Chapter one is a brief excursus into the system and nature of legal remedies, which provides an important introduction to the subject of appeal and an understanding of the institution itself. This is followed by a chapter dealing with the basic and specific principles that substantially affect the appeal process that is built upon them. Knowledge of the various principles and their application in the appeal process is essential for understanding the whole nature of the appeal. This thesis also provides the reader a detailed introduction to the current legal framework for appeals. At first, it discusses the nature and characteristics of appeals, names the range of persons entitled to appeal, and discusses the purpose, time limit, content and grounds of appeal. It does not omit to mention the institution of waiver of the right of appeal and withdrawal of the right of appeal. The fourth chapter presents the appeal procedure itself, giving an insight into the proceedings before the court of first instance, then moving on to the proceedings and decisions of the court of appeal, and finally stopping at the proceedings before the court of first instance after the case has been remitted to it by the court of appeal. I focus the last chapter on the government's draft to recodify the Code of Criminal Procedure, focusing on the changes to be made to the appeal procedure and giving a summary of them.

Keywords: appeal in criminal proceedings, remedies, ordinary appeal, criminal proceedings