

The Role of Public Prosecutor in Criminal Proceedings

Abstract

This diploma thesis on the topic of The Role of the Public Prosecutor in Criminal Proceedings identifies and presents the key parts of the regulation related to the position, role and tasks of the public prosecutor in criminal proceedings. Public prosecutors play an important and irreplaceable role in the system of criminal justice. It manifests itself to the full in particular in criminal preliminary proceedings, in which the public prosecutor exercises his supervisory powers over the procedure of the police authority and has a number of exclusive powers that enable him to effectively control and manage the course of this phase of the criminal proceedings. Furthermore, it is exclusively the public prosecutor who in the Czech Republic is authorized to initiate criminal proceedings before a court and to represent a public prosecution in it.

The aim of the thesis is not only to bring closer the key parts of the regulation regarding the role of the public prosecutor in criminal proceedings, but also to critically analyze and place them in a wider context. It approaches individual topics and questions primarily conceptually and tries to use the inductive method to abstract from the specific regulation a conclusion about what role the representatives of this traditional legal profession play.

The first part of the thesis places the role of the public prosecutor in criminal proceedings in the historical context and deals with the creation of the first public prosecution bodies and their subsequent genesis. It also identifies the causes of its origin and, at some important historical milestones, shows the gradual conceptual changes that the public prosecution experienced during its development.

The second part of the thesis deals with the current form of public prosecution, i.e. the public prosecutor's office, in several levels. It analyzes the constitutional nature of the public prosecutor's office and its position in the constitutional system. It also presents the organizational structure of the public prosecutor's office with a focus on internal relations within the system as well as the basic principles of its operation.

The key part of this work is its third part, as it deals with the very position of the public prosecutor in criminal proceedings according to the current legislation. It approaches the analysis of his role systematically and through the prism of the individual stages of criminal proceedings, in which the role of the public prosecutor manifests itself.

The fourth and last part of the work is devoted to the issue of the creation, goals, organization and competence of the European Public Prosecutor's Office as the first project of its kind, which creates a joint public prosecution body at the level of the European Union, and which therefore extends the competence of public prosecutors in criminal proceedings to include the relevant representatives of this institution.

Key words:

public prosecution, state prosecutor, criminal proceedings