

Protection of the Injured Party in Criminal Proceedings

Abstract

This thesis is focused on the injured party, the subject of criminal proceedings. The aim of the thesis is to identify the most pressing shortcomings of the current legislation through a comprehensive analysis of selected topics.

The thesis is divided into eight main parts. Chapter one focuses on the very definition of the term injured party and the basic division into injured person entitled to compensation for damage, non-pecuniary damage or unjust enrichment with specific rights in adhesion proceedings and injured person without this right. This is followed by an overview of the position of the injured person in criminal proceedings with an emphasis on his or her representation and the issue of a joint agent. The central concept of the third chapter is the victim of a crime, the definition and differentiation from the concept of injured person. This part discusses selected institutes of the Act on Victims of Crime and the basic principles governing it. Chapter four deals with the development of legislation. It describes the legal regulation of the position of the injured party in historical criminal procedure codes and significant amendments to the current Criminal Procedure Code that affected the rights of the injured party. The subsequent chapter traces the evolution of the concept of justice from a repressive to a restorative concept, which brought to persons injured by a crime the opportunity to actively participate in the resolution of the conflict between them and the perpetrator and which aims, among other things, to emphasize his needs. The sixth chapter is devoted to the important right to grant consent to the prosecution of a person in a specific relationship with the injured person of the selected crimes. Compensation for damage, non-pecuniary damage and the restitution of unjustified enrichment and the procedure of claiming such compensation by the injured party are dealt with in chapter seven entitled Adhesion proceedings. The eighth, final chapter examines the specifics of the injured person's position in cases where the matter is not resolved in the standard criminal proceedings, but through so-called diversions.

Key words: injured party and its protection, crime victim, damages