

ABSTRACT

The intended aim of this diploma thesis called The role of public prosecutor in preparatory criminal proceedings is try to remind but also more elucidate the importance and meaning of public prosecutor – in many cases underrated but in fact indispensable subject of criminal proceeding – both to scholarly and the general public. The emphasis is put on the role of public prosecutor in preparatory criminal proceedings. The juristic theory calls public prosecutor by Latin expression *dominus litis* – it means master of preliminary criminal proceedings. According to actual legislation, criminal proceedings are not conceivable without his participation. The indisputable benefit and decisive effect of public prosecutor for the result of preparatory criminal proceedings is demonstrated by the description of his activities and authorizations. The key role of public prosecutor particularly consists of the supervision over the observance of legality of activities of the police. The public prosecutor bears the responsibility for the result of pre-trial proceedings. The text tries to offer complex but still clear insight to forewarned issues as much as possible and also provides answers to occurring questions.

The diploma thesis is divided into four parts – their order tries to reflect coherent continuity of the topics discussed.

The first part deals with the historical development of public prosecution in the Czech countries. The aim is to introduce the historical context which shaped the current form of public prosecution.

The second part is dedicated to the current form of the Public prosecutor's office. The attention is dedicated to questionable constitutional emplacement of the Public prosecutor's office and its controversial inclusion in system of separation of powers. This part also discusses the independence of Public prosecutor's office, particular public prosecutors and jurisdiction of the Public prosecutor's office as well. The conclusion deals with the current form of system of the Public prosecutor's office and the relations between particular degrees.

In the third part – called preparatory criminal proceedings – we can find a treatise on particular phases of criminal proceedings. But the main focus is on preliminary criminal proceedings – the reader can read about their concept, purpose, functions and their forms. Moreover, the attention is dedicated to law enforcement authorities, their importance and description of their activities.

The part four is the main part of the thesis, which is reflected in the length of this part. Its introduction is about public prosecutor as the person with dominant position in preliminary criminal proceedings. Then, the attention of the reader is led to competencies and activities of public prosecutor in particular phases of preliminary criminal proceedings. The end of this chapter describes the decision-making power of public prosecutor connected with the termination of pre-trial proceedings.