

Abstract

The thesis deals with the criminal law institute of the cooperating defendant, with the aim of analysing the current legal regulation of this institute in the Czech Republic and the practical consequences of its application by the law enforcement authorities. The thesis is divided into the four chapters.

In the first chapter, the thesis focuses on organized crime in general as a socially dangerous phenomenon; in particular, the concept of organized crime is defined and the activities in which organized crime is engaged in the Czech Republic are being described. Furthermore, the author discusses all the possible legal instruments in the fight against organized crime, of which he focuses more on the interception and recording of telecommunication traffic and the use of agents.

In the following chapter, the thesis focuses on the definition of the concepts of the crown witness and the cooperating witness, their mutual relationship and development. The current legal regulation of the institute of the cooperating witness in the Czech Republic is also being summarised here.

The third chapter analyses the application of the institute of the cooperating witness from the initiative to use it to the imposition of punishment for persons who have been identified as the cooperating witnesses. In particular, the thesis deals with the conditions of application of the institute of the cooperating witness and individual substantive benefits for cooperating witness. At this point, the thesis also deals with the protection of the cooperating witness.

In the fourth chapter, the author attempts to analyse the current legislation with the help of the professional literature and the case law. In this part of the thesis, the conformity of the institution of the cooperating accused witness with the principles of criminal law is analysed. The motivation of the accused to become a cooperating accused is also examined there and its use in practice, or comparison with foreign regulations, is analysed as well. In conclusion, the thesis focuses on identifying some of the limits of the institute of the cooperating accused witness, summarises and evaluates suggestions for the improvement of the institute of the cooperating accused witness found in the professional literature.