

The Position of the Public Prosecutor in Pre-Trial Criminal Proceedings

Abstract

The diploma thesis is devoted to the topic of the position of the public prosecutor in criminal pre-trial proceedings. For the purposes of pre-trial proceedings, the public prosecutor is characterized as *dominus litis*, which indicates the importance of his position. The aim of the thesis is to provide a comprehensive overview of the activity of the public prosecutor in pre-trial proceedings and its significance. The main purpose of the thesis is to analyse the independence of the police authority's procedure from the supervising prosecutor and to examine the degree of discretion of the prosecutor in making decisions.

The first part of the thesis is devoted to the historical development of the position of public prosecution bodies, which has determined the current form of the prosecutor's office. It is shown at significant milestones in time what powers public prosecutors had, how their activities were interfered with and what role they played in the preparatory proceedings. The second part looks in detail at the public prosecutor's office as such, defining its constitutional basis and legal concept. It deals with the essential issues related to the existence of public prosecution, discusses supervision within the system of public prosecution and the question of the independence of prosecutors. The third part introduces the criminal pre-trial procedure, its basic features, the purpose it serves, the key principles governing this stage, as well as the individual phases and forms of this pre-trial stage. The fourth part provides an insight into the prosecutor's supervision of the pre-trial proceedings, detailing the historical background of the development of the relationship between the prosecutor and the police authorities, demonstrating the establishment of the dominant position of the public prosecution. Its content includes not only the individual powers of the public prosecutor, but also the answer to the question of the independence of the police authority's procedure from the public prosecutor. The fifth part discusses the prosecutor's decision-making powers in pre-trial proceedings, with a narrower focus on the issue of diversions. In this section, the various diversions that may be used by the prosecutor in pre-trial proceedings are introduced and the degree of discretion of the prosecutor in using these institutes is assessed. The last part is devoted to proposals for changes to the current legislation and its recent amendments. It also includes a reflection on the possible new Criminal Procedure Code and the anchoring of the public prosecution within its framework.

Key words: public prosecutor, police authorities, diversions