

## **Abstract: The issue of the concept of criminal custody**

The diploma thesis covers the issue of the custody what is recently very relevant and also interesting. Being placed in custody restricts the right of freedom what is one of the fundamental human rights and freedoms. Accused people are suspected of committing a criminal offence but until proven otherwise they must be treated as innocent. There is a conflict of interests of the law enforcement bodies who want to secure the criminal proceedings to reach their object and of the accused person who is innocent and his right of freedom is guaranteed by the Constitutional Law and international treaties. It is essential to ensure the protection of the right of freedom as much as possible. The restrictions are accepted only when necessary. Legislation should offer another solutions what can be used instead of criminal custody and would be less stringent.

My diploma thesis is divided into six chapters. First chapter deals with the history of the criminal custody. The biggest changes of criminal custody are captured in historical course beginning in the interwar period until the present day.

In the second part of the diploma thesis there is a short explanation what does the term criminal custody means. It also includes the principles what are binding for law enforcement bodies because they interfere with the one of the fundamental rights and freedoms.

Another chapter deals with the constitutional and international framework of the right of freedom. Constitutional and international legislation guarantees the protection of the right of freedom and the limits of its restriction.

The fourth chapter contains description of the substantive part of the custody law such as the criminal custody reasons, strengthened criminal custody reasons and the ways how to replace the custody by something less stringent.

In the fifth part of the diploma thesis there is a description of procedural part of the custody law. It means who is authorized to decide if an accused person is taken into criminal custody or not. This part of the diploma thesis also includes decisions about further criminal custody duration, the maximum length of criminal custody and the revisions of the criminal custody legitimacy.

Last chapter deals with the Slovak legislation of the criminal custody. It can be compared with the czech legislation and we can see some differences but in some cases the Czech and Slovak legislation of the criminal custody are very similar.