

Abstract

This presented thesis deals with the subject of criminal warrant. Its goal is to analyse the current legal regulation of these provisions covered in Act No. 141/1961 Sb., Criminal Procedure Code, and to propose possible solutions for the individual contested parts, which would contribute to better and more effective application of this regulation in the future.

The thesis contains five main chapters, which are further divided into individual subchapters.

The first chapter describes the history of the criminal warrant on our territory from its first introduction into our legal system in 1929 to the present.

The second chapter presents the criminal warrant in its current form in a broader context of the criminal procedure. It focuses on its relation with certain theoretical terms, which are typically connected to it, such as judicial decision, special type of proceedings, and diversion.

The third chapter is dedicated to relations between the criminal warrant and the basic principles of criminal procedure, with the emphasis on those which are resicted or otherwise modified when criminal warrant is applied. Also mentioned is the case law of the European Court of Human Rights and its position on the criminal warrant in light of the right to a fair trial.

The fourth chapter is then focused on the current legal regulation of the criminal warrant. Its individual subchapters describe the conditions needed to be met in order for the criminal warrant to be issued, which possible sanctions can be imposed by the criminal warrant, and also the formal requirements that need to be fulfilled for the criminal warrant to have its intended legal effects.

The fifth and also the final chapter is concentrated on the possible appeals against the criminal warrant. It is divided into two subchapters, the first one is focused on the protest, which is the only possible appeal against a criminal warrant that has not yet taken legal effect, and the subsequent legal procedure of courts after filling a protest, the second subchapter then briefly describes the possibilities of filling extraordinary appeals against a criminal order.