



Seminár anglickej právnej terminológie

OCHUTNÁVKA: Trestný proces a civilný proces

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Purpose of Proceeding

Criminal Proceeding = proceeding pursuant to Criminal Procedure Code – activity of authorities active in criminal proceedings and court intending to resolve crime – **investigate criminal offence and punish offender**
- criminal prosecution, investigation, criminal trial

Civil proceeding = proceeding pursuant to three codes of civil procedure - set of rules governing enforcement of substantive law
- **resolution of disputes between individuals and legal entities**
- litigation, judicial proceeding, trial



Stages of Proceeding

Criminal Proceeding

1. Pre-trial stage / preparatory proceedings / investigation
- conducted by authorities active in criminal proceeding (police, prosecution office) with the purpose to investigate facts of the case
2. Trial stage
- conducted by court with the purpose of review counts of indictment and decide on guilt or innocence of defendant

Civil Proceeding

- optional pre-trial negotiations / settlement negotiations / mediation
- court trial initiated by action and tried by civil court



Principles of Proceeding

- difference between legal systems based on their **approach to judicial procedure** and activity of state authority
- a) **Inquisitorial** – presiding judge is not merely a passive recipient of information presented by parties but ensures that necessary evidence is gathered
- used in pre-trial investigation and in non-contentious cases
- b) **Adversarial** – parties to the dispute present their arguments and evidence and judge supervises lawfulness of the procedure and assesses the arguments in order to resolve the dispute

