

# **HISTORICAL AND LEGAL ASPECTS OF INDIVIDUAL LEGAL REGULATIONS ABOUT CRIMINAL PROCEEDING AGAINST YOUTHFUL DELIQUENT**

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In the present do not exist in our place particular legal regulation of criminal proceeding against youthful offenders. Per my opinion in the period when records increase criminality of youthful is absence of some legal regulation fault. For creating effective legal regulations of criminal proceedings against the youthful are required two realia. Will - power of legislators modify this area and qualification to form the legal regulation, which would have been effectively applied. Just in this regard I preoccupied by idea of comparisons criminal proceedings against youthful in the historical cross – section. I have been tried to describe the process of criminal proceeding according to independent legal regulations from 1913 and 1931 because I think that even in the history existed institutes, those application in the present would has been contribution. In my opinion is important to know the development criminal proceeding. A great number of institutes has been established before, only in the present are forgotten. History also is able to give response to several issues for us. Is able to show, what is effectively and what on the contrary is out of order. So we can to evade introductions of something, what is in the practice non - certify. And on the second part we can to take an example from good and functional regulation from in the present invalid laws. Expert in each terms are suppose that the purpose of criminal proceeding is to raise and no only to punish. Sometimes was this opinion only declared but sometimes has been this purpose observed in spirit of law, and in the application. In my

article I angled for approach legal regulations about criminal activity of adolescent and on comparison chosen problems of criminal procedure too. Of course indefensus adolescent in the spirit that theirs acts are needed to overlook. In any case it is needed forcefully step in the cases of serious offence. However I perform an opinion that in many cases they can't or they don't know use all their rights in the criminal proceeding. Reform of criminal judicial system over youthful had been formally completed in the year 1913 when was publicized special legal article number VII about tribunal for young, which adapted criminal proceedings against youthful delinquent. Just then this special legal article had been established, criminal proceeding against adolescent had been more effective. Contribution of this legal modification is primarily in realia that in the year 1913 was found affluence will - power to complete reform of criminal law. Providing, that the some area of criminal procedure in this legal article had been not regulated or had been regulated only partly, then subsidiary had been applied general regulation in Code of criminal procedure. In practice it meant, that the judges always had to use these regulations in reflections and had to apply them. By the legal article number VII from 1913 were found not only special modification of criminal proceeding against youthful but also special judicial system, which dealt issues about youthful offenders. About anyone young, which has been suspected from committing of criminal offense, has been advisable made announcement in court young. Courthouse then notified prosecutor and had been done to immediate remedy until the prosecutor filed an action. Investigation had been led by judge for young. Judge had to first place ascertain of young's identity and specified his age. Had to provide all facts needed for final knowledge figures of offender, levels mental and moral progress and life ratios. After determined mentioned facts and interrogated of youthful, came up courthouse to impose possible protective remedy. Against decision of the court had been possible to appeal, however not dilatory effect did. Youthful has been criminally liable from years of 12.

Philosophy and primary idea of Act number 48 from 1931 about criminal judicature above young is education of youthful offender of crime. Act is built on idea that only punishment for offender is not suffice and is uninvited.

Asserts an idea, that the sentencing of offender just does not remove reasons of criminality and using penalty, how type of recompense in committed act, do not remove reason of unlawful activity of youthful and even can to be a reason for recidivism in the future.

Advanced range of criminal liability from 12 on 14 years and started to discriminate between under age and youthful. Besides accomplishments criteria age limit had been ultimate for consideration about criminal liability specific intellectual forwardness. Youthful wasn't criminally liable, if could not for considerable backwardness at the time of recognized act's illegality or controlled their activity and defined after - effects. Courthouse had been allowed drop away from the punishment, if youthful committed act from justifiable non-acquaintance enactment. Just pardonable non-acquaintance of law as one of conditions for stifle a prosecution punishment evoked after passed the act wave polemics. Be talking by over specialty of act from 1931, which non - founded in the modification from 1913 or later accepted regulations.

Is not desirable that society only punishes, but also raise. There are marked pursuit to prefer educational principle and to pursuit of reeducation youthful ante the criminalization and punishing of youthful delinquent. By this act had been Czechoslovakia assigned between countries, which perceived urgency and importance of modifications criminal proceeding against juvenescent and therefore came up to the creation of special legal modifications in this area. So had been underlined sense of criminal proceed against youthful.

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