

Abstract

Subject of this rigorous thesis are diversions in the criminal proceedings, stemming from principles of restorative justice, i.e. diversions in a so-called narrow sense of word, which are connected with a certain educational affect on a defendant.

Except for the Preamble and Closure, the thesis is structured into four basic parts and description of individual diversions is preceded by a historical excursus describing a crime and sentence, as well as the development of law and justice, eventually proposals of *de lege ferenda* formulated on the basis of results of the realized research follow.

The first part is focused on description of a crime in the human society from the very beginning of its existence when a certain system of defensive mechanisms (sanctions) designed to defend the society against the acting endangering its functioning and commonality started to be created. This part deals with absolute and relative theories of a sentence, i.e. its retributive and regulative function, a concept of a crime in relation to juristic and sociological understanding of criminality. This chapter further analyses the concept of right and justice and outlines the vainness of searching for absolute justice, based on which any acting could be assessed as just or unjust, and a scientific view of the criminality, which makes us acknowledge that under certain circumstances any of us is able to commit a crime.

The second chapter describes principles of the restorative justice which proceeds from a suggestion that a crime does not simply means a break of public interest or an attack against the state, but that it is a conflict between a perpetrator and a victim (a damaged person) and a system of criminal law alternatives applied in the Czech Republic, when on the background of the before mentioned, the text justifies the sense of existence of criminal law alternatives, i.e. diversions.

The third part focuses *de lege lata* on description of diversions connected with an educational affect, i.e. diversions in a narrow sense of word, and the forth part offers the statistics of their real application. This part also presents proposals of *de lege ferenda* formulated on the basis of results of the realized research focused on opinions of prosecuting attorneys regarding the grounds for a low degree of their practical usage.