

## **Settlement in criminal proceeding – Abstract**

The topic of this diploma thesis is settlement in criminal proceedings, which is one of the diversions, which has had its position in our criminal procedure law for more than 20 years.

The settlement is a diversion, which contains the most restorative justice principles. This is the reason, why the text of this thesis does not only deal with the settlement itself, but also with other diversions, as well as with the restorative justice principles. The main objective of this principle is not punishing the offender, but restoring the disturbed relationships between the offender and the victim. Despite the fact that the settlement is beneficial for defendant, because it leads to cessation of prosecution, for victim, who has an easier access to obtain their compensation and also for the whole society, because it prevents the defendant to commit other crimes, it is not used so often in practice as much as for example conditional suspension of criminal prosecution.

The thesis is divided into three chapters. The first chapter deals with the term diversion, restorative justice function principles and then with all types of diversions, which are enacted by our criminal procedure law. The statistics then show sometimes giant differences in the usage of particular types of diversions. The first chapter is followed by the second chapter, which deals with the settlement itself, its essence, purpose, position in the criminal procedure law, conditions, which needs to be fulfilled for its application and last but not least with the statistics of settlement usage in the practice together with *de lege ferenda* suggestions, which could lead to increased usage of the settlement in the practice. Focus in this chapter is also on judicature, which is unfortunately not so rich due to the fact that the settlement is used only occasionally in the practice. In this chapter, I do not fail to compare the legal conditions for usage of other diversions, the conditional suspension of criminal prosecution and the plea bargaining, with the legal conditions of the settlement. The third and also the last chapter of the thesis deals with the comparison of legal conditions of the settlement in the Czech Republic and Austria. The conclusion of the thesis deals with the evaluation of the objectives set in the introduction and also with the final summary of the whole thesis which suggests that changing the legal conditions of the settlement could lead to more frequent usage of the settlement in the practise, because the settlement has a potential to do so.