

Confession and its impact on the criminal proceedings

Abstract

The aim of this thesis is to provide a comprehensive view of the issue of confession, to characterize this legal concept and describe its importance in matters of substantive and procedural criminal law. For this purpose, the author synthesized the available legal, doctrinal, judicial and other relevant information with her own opinions and considerations *de lege ferenda*. The content of the thesis is divided into six chapters. The first chapter contains a historical introduction covering the development of confession from the 14th century to the political trials of the 1970s. The second chapter characterizes confession in terms of content and form, focusing on particular requirements for confession and various situations in which it can be made. It also focuses on the legal concept of declaration of guilt, its differences from confession and the mutual relation between the two aforementioned in the light of the recent amendment to the Criminal Procedure Code. The third chapter deals with confession as the evidence and its significance even in case it is revoked or obtained in an inadmissible manner. The fourth chapter deals in more detail with forced confessions, methods of physical and mental pressure on the defendant and presents the results of a study dealing with the influence of the interrogation recording method on the enforcement of confessions. Furthermore, the causes of false confessions, their influence on other evidence and ways to overcome false statements are discussed. The fifth chapter is devoted to the influence of confession on imposition of punishment, especially as a mitigating circumstance, and furthermore it also includes extraordinary reduction of punishment and waiver of punishment. The sixth chapter deals with the procedural significance of confession, which is illustrated at individual legal concepts, which have the nature of alternative procedures in the criminal proceedings and of which confession is a necessary condition for their application, however, the possible emergence of custody on the basis of confession was not neglected. The cooperating defendant, the conditional cessation of criminal prosecution, the conditional postponement of the motion for punishment, plea bargaining and settlement are described in detail, while the last two presuppose a declaration of guilt instead of a confession.

Key words: confession, criminal proceedings, defendant, declaration of guilt, diversions in the criminal proceedings