

Activity of the Probation and Mediation Service in the Czech Republic

Abstract and keywords

The presented thesis deals with the position of the probation and mediation service (PMS) within the criminal law policy of the Czech Republic, its procedures in the field of probation, mediation and other actions it performs within the framework of the criminal process with adult offenders. This work covers juvenile offenders minimally. The aim is to broadly cover the entire activity and role of the probation and mediation service during criminal proceedings. For that reason, the work is divided into several basic sections.

The first section deals with the question of punishment and different approaches to this issue, especially in terms of retributive versus restorative justice. A closer examination of the current use of these two approaches shows that we should not even set them against each other, but rather side by side.

Furthermore, the work focuses on PMS as an institution. It deals with the way in which it was created, what are its main goals, the purpose for which it was established, but also how it is organized. The work also highlights some of the challenges and problems it currently faces, although overall we can declare its existence to be very beneficial. We discuss the tools through which it achieves its goals comprehensively in the following chapters.

Therefore, the following section focuses on probation closely. It defines this term in its broader and narrower (legal) sense and defines what actions can be included under it. It then describes, evaluates and explains their contribution to criminal proceedings in depth. In a broader sense, the term probation can also include the sentence of conditional release with supervision (parole), which is reserved for a separate chapter.

The work approaches mediation in a similar way, which is the second type of PMS main activity, as we can already deduce from the name. Probation and mediation are significantly different from each other, but the legislator decided that in the Czech Republic they will fall under a single institution. We are convinced that this approach may not be the only viable one as we compare the Czech PMS with the equivalent service in Norway. The diploma thesis also only briefly touches on family group conferences, as they pertain to (at least for the time being) juveniles in practice.

Keywords: probation, mediation, restorative justice