

Abstract

This diploma thesis deals with individual aspects of conditional discontinuance of criminal prosecution, with a focus on their practical application. The thesis also deals with the advantages of conditional discontinuance of criminal prosecution and its comparison with the agreement on the guilt and punishment, which has undergone a significant renewal in recent years and can be expected to become much more widely used in practice.

In its introductory part, this diploma thesis deals with the definition of individual diversions, their position in the criminal law system and their partial comparison. All this is done in relation to the ideas on which some of the diversions in particular are based, i.e. the ideas of so-called restorative justice. This concept emphasizes the settlement of relationships, reparation over repression, and more.

In the second part, i.e. the subject part, the diploma thesis deals individually with all the conditions necessary to achieve a conditional discontinuance of criminal prosecution. In practically all of these points, the emphasis is on practical application, and the definition of these terms is as specific as possible so that conclusions can be drawn as to the specific situation in which it is possible to achieve this institution and when, on the contrary, it will not be possible. At the same time, the advantages of conditional discontinuance of criminal prosecution over other diversions are emphasised.

In the final part, the diploma thesis compares the institute of conditional discontinuance of criminal prosecution with the institute of agreement on the guilt and punishment. This is practical considering that the agreement on the guilt and punishment has recently undergone probably the greatest renewal of all diversions and is becoming a very used and interesting variant in practice. There is also an emphasis on the benefits of the agreement on the guilt and punishment itself. This section concludes with a comparison of conditional discontinuance of criminal prosecution and agreement on the guilt and punishment based on statistical data, with reference to the possible competition between these two institutes in practice.