

Abstract

The topic of this thesis is consensual ways of processing criminal cases. In the introduction, the basic models of criminal justice are analyzed, specifically adversarial procedure coming from the Anglo-American legal culture and inquisitorial procedure by origin from the continental legal system. The text deals with their historical development, basic characteristics and distinguishing features. The essence of the chapter is the influence of the interweaving of elements of these systems on the basic principles of continental criminal procedure with an accent on the recent amendment of the Criminal Code No. 333/2020 Coll. The second part of the thesis is devoted to the agreement on guilt and punishment, guilty plea, undisputed facts and marginally also the criminal warrant. These are consensual ways of processing criminal cases that cannot be classified as a subset of diversions. This is mainly due to their condemning meritorious essence and purpose, which is primarily an effort to rationalize criminal justice, i.e. to speed it up and make it more efficient. The third part deals with diversions in the narrower sense, or traditional diversions, which are conditional discontinuance of criminal prosecution, conditional delaying of submission of a proposal for punishment, approval of settlement and withdrawal from criminal prosecution of a juvenile. Diversions are a manifestation of so-called restorative justice, the main function of which is the restoration of disturbed interpersonal relationships, the satisfaction of the victim's claim and the correction of the offender. The individual institutes are gradually analyzed as follows. Their origin is always briefly outlined in the introduction, followed by a description of the legal prerequisites and the course of procedure in which they are applied. Each chapter is always supplemented with tables containing statistical data on the frequency of use of the institute in practice, including subsequent analysis of application problems. The fourth part of the thesis presents an interesting area of remedies, their possibilities and limits in consensual ways of processing criminal cases. The last part is dedicated to the draft of the new Criminal Code, which is compared with the now effective legislation.

Keywords: consensual ways of processing criminal cases, agreement on guilt and punishment, diversions