

## SUMMARY

Diversions in criminal proceedings are implemented to the system of law of European countries as a form of restorative justice. The Czech Republic is a Central European country where is applied as diversions mainly the conditional stopping of prosecution and settlement. The Czech Republic was the first Central European country, which at the beginning of the nineties implemented diversions into criminal proceedings.

This rigorous work is focused on comparative analysis of legal regulations similar to the Czech Republic legal regulation, from the historic, cultural and legal aspects. I chose for comparison the legal regulations of Slovak Republic, Hungary and Austria.

The criteria for comparative analysis were following:

- kinds of diversions in described legal regulations
- period, in which the diversions were implemented in each country
- evidence of diversions in criminal records, eventually in other records
- particular conditions for application of diversion, the stages of criminal proceedings, in which the diversions are applied, etc.

The result of comparative analysis is finding that the legal regulations of these Central European countries are similar in some aspects, and in other aspects are different. All mentioned countries use a certain form of conditional stopping of prosecution and settlement between victim and accused, which are controlled or/and concluded from the initiative of state authorities. The Probation and Mediation Service plays an important role during diversions. Some countries make differences between the application of these diversions in preliminary proceedings and in proceedings before court. In some legal regulations compulsory conditions for diversions are predominant and in other facultative conditions. The catalogue of crimes, in which diversions are applied,

is usually different in particular countries. But we could say that the common feature of all described diversions is a lesser seriousness of crime.

The basic feature of all kinds of diversions is the consent of the accused, in some cases the consent of victims too and the regular feature is compensation of damage. The combination of diversion and public social works is a very interesting suggestion which comes from Austrian and Hungarian legal regulation.

There are some considerations *de lege ferenda* at the end of my essay, which result from comparative analysis. The main objective of my considerations *de lege ferenda* is to improve the currently proper Czech legal regulation of diversions.

#### **KEY WORDS**

Diversions in criminal proceedings, settlement, conditional stopping of prosecution, Probation and Mediation Service, juvenile and adult offender, victim, victim-offender mediation