

Abstract

The topic of this dissertation is the originally Anglo-Saxon criminal process concept of plea bargaining, which has become a phenomenon within a number of civil law countries in recent decades. This alternative method of resolving criminal cases consists simply in the possibility of an agreement being reached between the prosecutor and the accused, provided that the accused, under certain conditions, admits to having committed the offence and agrees with the proposed punishment.

A look at the foreign as well as domestic legal literature reveals that plea bargaining is controversial to say the least. Proponents argue that it accelerates and simplifies criminal proceedings, while opponents point to its flagrant inconsistency with the fundamental principles of continental criminal proceedings.

The author of this dissertation examines agreements in criminal proceedings in general, focusing on their origin, historical development and various forms around the world. A special part of this dissertation is devoted to plea bargaining regulations in all 27 European countries where the concept has been introduced, including the Czech Republic, where it was introduced by Amendment to the Criminal Procedure Code No. 193/2012 Coll., effective from 1 September 2012. In addition, plea bargaining is described in four selected countries with a common law system. The author critically examines the individual regulations, compare them and highlight their positives and shortcomings.

The aim of this dissertation is to lay down the arguments for and against agreements in criminal proceedings and to attempt to answer the following questions: does plea bargaining have a place in the European continental legal system, including the Czech Republic, and will it bring a higher degree of justice to European countries?