

The topic of this diploma work is “Effective repentance and bribery“. Effective repentance is a reason which causes an extinction of punish ability. There are two kinds of effective repentance. The first is a general effective repentance. The second is a specific effective repentance. General effective repentance causes impunity when offender of criminal act of listed crimes retrieved injury by his own will, or announced criminal act to prosecutor or police officer in time when should be injury retrieve. Specific effective repentance is codified for just a few crimes. One of these crimes, where specific effective repentance was codified is bribery. Bribery effective repentance means, that the offender of bribe giving will not be penal responsible if he gives or promises bribe, just because he was asked for bribe and if he (by his own will and immediately) announced this to a prosecutor or a police officer.

In the past since 1950 we have had this specific repentance in criminal law. Since 1/1/2010 we have got a new criminal law no 40/2009 Sb. New codex no. 40/2009 Sb. despite original legislative proposal does not codify specific effective repentance in corruption cases.

It was tried to describe historical aspects of effective repentance in context with development of criminal law in our country. In my thesis I was dealing with international commitments of the Czech Republic. I compared legal adjustments special effective repentance in case of bribery in different European countries. I had chosen Latvia, Poland, Lithuania and especially the Slovak Republic. I tried to describe effective repentance in these foreign criminal acts and I tried to compare them with legal adjustments in the Czech Republic.

I tried to find out the reasons why was special effective repentance codified. The reasons are prevention, detection of more dangerous crime (bribery getting) and whistleblower protection and last but not least it could increase negative atmosphere against corruption. In my opinion the biggest reason for effective repentance that this institute is fair. The offender who asked for bribe is in a big advantage. He is disusing his power and authorization for get unlawful benefit. It is a kind of blackmailing. It is fair to give chance to offender, who gave bribe, if he was asked for it, to unfelt himself. He was in a big disadvantage when he was asked for bribe. He was in threat that he was going to be punished more, or there would be some troubles or obstructions against his interest. That is the reason, why an honest man could give bribe. And it is fair to give him a chance to reduce his fault, especially in the situation,

when that crime is not to be ever found out. I described some examples from practice where effective repentance was used and criminal process was very effective.

In my diploma thesis I dealt with a question if we were able to substitute effective repentance by another legal tool. I found out, that we have not got similar tool or procedure, which is able to substitute effective repentance.

At the end of this diploma thesis I tried to summarize the most important ideas. I tried to describe special effective repentance with other circumstances in general. I tried to write legal regulations of the effective repentance in corruption cases „de lege ferenda“.