

Abstract

This master's thesis deals with the topic of agreement on guilt and punishment, which became a part of the legal system of the Czech Republic on 1 September 2012 – by effect of the eighty-third amendment to the Criminal Procedure Code, which was implemented by the Act no. 193/2012 Coll. The agreement on guilt and punishment is an alternative way of solving criminal cases. As is apparent from its title, it is the negotiation of an agreement between the prosecutor and the accused, or even injured person, whose objection is a solution to the question of guilt and punishment. A necessary prerequisite of its validity is subsequent approval of the negotiated agreement on guilt and punishment by the court.

When designing a statutory regulation of a particular institute it is always necessary to pay attention to the advantages and disadvantages that will most likely accompany this institute. The positives must obviously outweigh the negatives and try to minimize them as much as possible. Simply stated, the institute must bring more good than harm.

The main aim of my thesis is to introduce the comprehensive legislation of the agreement on guilt and punishment, to assess the positives and negatives accompanying the agreement on guilt and punishment, and to point out the specifics, imperfections and ambiguities of interpretation of the current legislation.

The thesis is structured into the accompanying seven chapters, the opening chapters are concerned with the issues of agreement on guilt and punishment in a broader context, its position in our legal system alongside the other diversions, and also its origin and history. In the fourth chapter the current legislation of agreement on guilt and punishment is comprehensively captured, which is followed by a chapter analyzing the arguments of proponents and opponents. In conclusion, I provide a critical assessment and point out the specifics, imperfections and ambiguities of interpretation of current legislation of agreement on guilt and punishment. On the basis of all of this I have tried to outline possible changes that could make the agreement on guilt and punishment more rewarding.