ABSTRACT

The object hereof is the analysis of diversions in the Czech Criminal Law with a focus on conditional cessation of prosecution, which represents the most significant facultative alternative to the standard trial. The idea of procedural alternatives to traditional criminal procedure has become relevant in Czech legal system especially after 1989, when the ideas of restorative justice have begun to resonate also with the general public along with it new ways of decisions in criminal proceedings.

Given that criminal policy is mainly controlled by the principles of restorative and retributive justice, it was necessary, in the introduction of this thesis, these two social movements define and analyse. In this sense was crucial to define the concept of diversion sufficiently, because is not legally handled, even defined. Using the deductive method was then possible to proceed to individual types of diversions and then to focus on the institute of conditional discontinuance of criminal proceeding. For the purpose of comprehensive view of possible alternative procedures, the part of thesis was devoted to juvenile offenders, where special institutes and principles are applied. The final part is devoted to the analysis of the Austrian legislation diversions that might represent an inspiring source of knowledge for the Czech legislature. In this regard the positives of Austrian concept of diversions are emphasised as well as its potential incorporation into the Czech Penal Code in the context of the considerations de lege ferenda.