

Abstract

This master's thesis focuses on the subject-matter of agreement on guilt and punishment. It became a part of Czech Criminal Procedure Code by the enactment of Act no. 193/2012 Coll. The plea bargaining, which is widely spread and used in common law countries, served as an inspiration. It should have primarily enhanced the efficiency and speed of the criminal proceedings. It is a type of diversion which is based on a negotiation between the prosecutor and the defendant. The defendant may plea guilty and require a milder punishment in reverse, comparing to a punishment which would have been imposed if a trial took place. The conducted agreement on guilt and punishment has to be subsequently approved by the judge in a form of the approval judgement.

The thesis is divided into four chapters. The first one deals with other alternative ways, by which criminal cases may be solved. The influence and potential disruption of basic principles of the criminal procedure caused by the incorporation of agreement on guilt and punishment, is described as well. A short section is dedicated to previous legislative efforts of incorporation the agreement on guilt and punishment into the Czech legal system.

The second chapter outlines the contemporary legal regulation of the agreement of guilt and punishment in the Czech republic. Imperfections and ambiguities are critically assessed and interpreted subsequently. Furthermore, the role in the proceedings of the parties and court and their rights and obligations are also emphasized.

The third chapter examines plea bargaining in England and Wales in a complex way. Three different categories of plea bargaining are distinguished here, as follows - plea discussions in cases of serious or complex fraud, deferred prosecution agreement and plea bargain ruled by case law. Each of them is described in detail and with references to relevant acts and judgements.

The last chapter contains a comparison of the plea bargaining in England and Wales with the agreement on guilt and punishment according to Czech law. The positive and negative aspects of each type are highlighted. The very last part of the thesis covers considerations *de lege ferenda* including proposals of potential improvement of the current legal regulation concerning the agreement on guilt and punishment.