

## **Abstract**

This dissertation provides a comprehensive account of diversions in the criminal proceedings, which constitute an important part of the modern criminal process. The introduction of the dissertation deals with the reasons for introducing of alternative ways of dealing with criminal matters into Czech criminal law and its current taxonomy. This is followed by a broad description of the development of the term “diversion” in the criminal proceedings and the current understanding of this term in Czech law (where is a plurality of opinion in this respect). In connection therewith, the author presents her opinion on the elements of a diversion, and subsequently questions, whether several instruments used in the criminal proceedings should be categorized as a diversion. The aforementioned is followed by a theoretical treatise on the international initiatives in the area of diversions in the criminal proceedings, after which the most significant milestones in the genesis of the various forms of diversion in Czech criminal proceedings are already mentioned; at the same time the constitutional and international limitations connected with these institutes are discussed. The thesis also deals in detail with the very nature and purpose of diversions in the criminal proceedings. The second part of the thesis is devoted to a detailed theoretical analysis of the different forms of diversion in the criminal proceedings, i.e. conditional discontinuance of criminal prosecution, settlement in the criminal proceedings, diversions in shortened preparatory proceedings and diversions in juvenile cases, in particular conditions set forth by the Criminal Procedure Code, or the Act on Juvenile Liability for Unlawful Acts and on Prosecution of the Juveniles for their application and for the Application and for the conduct of the law enforcement bodies of this. The last part of the text of the thesis represents a practical, comparative and reflective part of the dissertation, in which the author provides a detailed commentary and analysis of statistical data concerning the practical application of each form of diversion in Czech criminal proceedings over the last five years with respect to adult offenders, juvenile offenders and legal entities. The dissertation also includes an analysis of selected foreign legal regulation of diversions in the criminal proceedings, namely Slovak and Austrian, for its current comparison with the Czech legal regulation. The work is concluded by a part devoted to recent considerations of the Czech legislator regarding the future legal regulation of diversions in the criminal proceedings in the new Criminal Procedure Code; which are confronted with the findings covered in this dissertation. This part clearly determines not only the problematic aspects of the various forms of diversion in the criminal proceedings, but

also proposes a series of possible changes aimed at improving the current legal framework and removing the deficiencies of legal regulation of diversions in the criminal proceedings contained in the Code of Criminal Procedure and the Act on Juvenile Liability for Unlawful Acts and on Prosecution of the Juveniles, so that they become more effective and perhaps more practical tools in the criminal proceedings.