

## Abstract

This master's thesis deals with the institute of agreement process that originates in anglo-american plea bargain, which has been implemented in many criminal proceedings within the countries of continental Europe. Civil law based countries are using agreements in different forms during their criminal proceedings as an alternative to common trials. Its purpose is to make them faster and more simple. Every agreement is different from each other, but one common element is that accused person pleads guilty of crimes he/she is being prosecuted for and also that the authorities involved in given criminal proceeding are willing to make concession in punishment of the prosecuted. Even though this type of solution to overburdened authorities active in criminal proceedings seems to be quite positive, there are some critics that find this method in conflict with some basic principals of continental criminal proceeding.

This thesis introduces the agreement process in general view, briefly examines its origins and focuses mainly on its legislation in the Czech Republic and Germany. Legislative force in the Czech Republic implemented the agreement on guilt and punishment into criminal proceedings by an amendment of Criminal Procedure Code No. 193/2012 Sb. as a completely new diversion, respectively as special form of proceeding with an aim to make pre-court proceedings faster. On the other hand, the act for adjusting agreements in criminal proceedings (*Gesetz zur Regelung der Verständigung im Strafverfahren*) in 2009 in Germany only legalised already well established practice, the so called *Absprachen*. The thesis is describing in detail both institutes one by one and compares them to another types of digression that can be found in given Criminal Procedure Codes. Furthermore, differences between those codes are being observed. Fourth and fifth chapter are about evaluation of presence of agreement process in traditional inquisitory criminal process that is characteristic in czech and german Criminal Procedure Code. Those chapters also point out pros and cons. In the last chapter, thesis observes the practical use of agreements and predicts future for using the guilt and punishment agreement in the Czech Republic. The main goal of this thesis is to answer the question about agreements having rightful place in civil law based countries and if they are truly making criminal proceedings more effective.