

Abstract

Institute of agreement on guilt and punishment, was implemented into Czech criminal law by Act No. 193/2012 Coll. in 2012 and came into force on 1st September 2012. The institute belongs among diversions from standard criminal proceedings. The purpose of its introducing was an effort to increase efficiency of criminal proceedings. Generally, this institute is typical in common law system, however several countries with continental legal system have already introduced agreement on guilt and punishment into their criminal law – for example: Spain, Germany, Italy and Slovakia. In particular, the Slovakian agreement on guilt and punishment constituted fundamental basis for the Czech version of the agreement. The inspiration for choosing this topic for my Master's thesis was formed by internship at district prosecutor of Prague 4. I have had an option to attend conclusion of the agreement during the process there as well.

The thesis is divided into six chapters, which are accompanied by my personal experiences from the internship. Each of them is dealing with different aspects of the institute. The content of the first and the second chapters are reasons for implementing of the institute and detailed analysis *de lege lata* and I have solved also a question in these chapters namely, if the agreement is in breach of basic principles of criminal proceedings or not. Two phases are distinguished during negotiation of agreement. The first phase is held between a prosecutor and a perpetrator of crime having an attorney. The following second phase is judicial, where a judge either confirms the agreement or rejects it.

The main goal of this thesis is based on the comparison of the Czech and the Slovakian institute of agreement on guilt and punishment, which is contained in the third and the fourth chapter. I have described and evaluated present results of using the agreement in real proceedings in the chapter number five. Today, we can say that the goal of agreement is not achieved at all as the agreement on guilt and punishment has been used really rarely so far. At last chapter, I offer proposals *de lege ferenda*, which could increase efficiency of criminal proceedings in my opinion.