

Summary

This thesis is dedicated to legal institute of plea bargaining which has been adopted to Czech criminal procedure law on September 1, 2012. The plea bargaining law in the Czech Republic is highly influenced by plea bargaining practise used in different forms in various common law jurisdictions. The thesis is divided into three basic chapters. First chapter of this thesis describes overall background and reasons for adoption of plea bargaining into Czech law. In this chapter the author presents and analyses reasons and desired results the Czech legislature pursues by adoption of plea bargaining and its usage in practise. Second chapter provides a critical view of relation of plea bargaining with the rest of Czech criminal procedure regulation, especially an interaction of plea bargaining with fundamental principles of criminal procedure. Third chapter focuses on whole procedure related to plea bargaining as regulated by current law. This chapter describes and analyses positions of all parties to the process concerned, plea bargaining negotiation process itself and its legal limits. Furthermore it depicts and examines the process of court hearing and position and role of the court within it. The third chapter also concerns several legal measures laid down in order to secure compliance of the plea bargaining procedure with fundamental human rights and freedoms of the accused and his procedure rights in the criminal procedure. In this chapter, beside other things, is emphasized the identification of not yet solved problems of the plea bargaining legal regulation while the author tries to provide answers and solutions supported by legal arguments. In this thesis the author makes an effort to provide relatively complex view and analysis of adopted legal regulation of plea bargaining, points out plea bargaining positives as well as disadvantages and risks.