

Abstract

Agreement on guilt and punishment

This master's dissertation focuses on a relatively new juridical institute of the criminal procedural law, which is agreement on guilt and punishment. This institute was incorporated in the Czech legal system by the Act No. 193/2012 Coll., which took effect from 1st September, 2012. The main purpose for the incorporation was acceleration and efficiency of criminal proceedings as well as lightening the burden of courts, which are overloaded due to excessive amount of new cases.

The master's dissertation is divided into five chapters. The first chapter is devoted to the inclusion of plea bargaining in the system of the Code of Criminal Procedure and on the institute of agreement on guilt and punishment in comparison with other diversions. A brief introduction to the basic principles of retributive and restorative justice is also included in this chapter. The second chapter covers the historical development of incorporating plea bargaining into Czech legislation and the legislative process itself. The basic arguments both in and against favour of the institute are outlined, especially taking into account the principles of Czech criminal proceeding. The third chapter contains a detailed analysis of relevant legislation and is divided into two parts, the first focusing on the negotiation of the agreement between the prosecutor and defendant and the second focusing on approval of the agreement on guilt and punishment at court. The fourth chapter is a brief introduction to the guilty plea legislation in Great Britain with consideration to the differences between common law and continental legal systems.

For the fifth and final chapter a research was conducted focusing on the application of the plea bargaining in practise. For this purpose I addressed all of the district Courts (in accordance with Act 106/1999 Coll., on Free Access to Information). In this manner the quantity of court approved agreement was found as well as the types of crimes, which were subjects to the agreement on guilt and punishment. Lastly, in accordance with the conducted research, suggestions de lege ferenda were made, which can help current legislation of this institute to be more effective.