

Abstract

This diploma thesis focuses on the institute of settlement in Czech criminal proceedings. This type of diversion, which was introduced into Czech law in 1995 as only the second alternative method of settling a case, reflects to the highest extent the elements of restorative justice. Not only does it place the greatest emphasis on the position of the damaged party throughout the proceedings compared to other diversions, where, for example, his consent to the settlement procedure or consent to the resulting form of the settlement is required, but at the same time it allows for an attempt to reconcile the relationships disturbed by the commission of the crime to the full extent, mainly thanks to the personal (and often moderated) negotiations that take place between the accused and the damaged party. It also presents a number of advantages for the defendant over other diversions or standard proceedings. It allows him to avoid a court pronouncement of punishment and guilt, and at the same time, in the event of a favorable settlement decision, to have the prosecution for his offence immediately discontinued.

The main part of my diploma thesis first discusses the various conditions that must be met in order to benefit from a settlement, including a critical look at them. Although it might seem that, given its advantages, settlement must be a widely used diversion, the opposite is true. The number of proceedings that end in settlement has long hovered around only a few dozen per year. In the light of the evidence obtained from the analysis of this institute, attention is then drawn to the reasons of the unpopularity of this diversion compared to the conditional discontinuance of criminal proceedings.

The last chapter then discusses the *de lege feranda* proposals, which are based on my reflections and opinions obtained during the research of the institute of settlement, and also discusses the changes that the legislator plans to implement in the framework of the adoption of the new Criminal Procedure Code, which has been under preparation for several years.