

Abstract

The subject of this master's dissertation is agreement on guilt and punishment, which was incorporated into the Czech legal system in 2012. It is one of the juridical institutes that intends to achieve faster and more effective criminal proceeding. The agreement on guilt and punishment is inspired by a similar juridical institute of plea bargain originating from the Anglo-American legal system. The essence of agreement on guilt and punishment is the conclusion of an agreement between the prosecutor and the accused, whereby the prosecutor may offer a lighter sentence to the accused in exchange for a declaration by the accused that he has committed the act for which he is being prosecuted. This is an alternative form of proceeding, as the accused can avoid the standard form of criminal proceeding altogether by entering into this agreement.

In the first chapter, I discuss the history of the legislative process, as the institute of agreement on guilt and punishment in the Czech Republic has undergone a rather complicated process. I also deal in detail with older legislative attempts, as many academic works on the same or similar topics do not pay much attention to older proposals. In the second chapter, I analytically describe and comment on the current legal regulation of agreement on guilt and punishment in the Czech legal system, firstly discussing the subjects of agreement on guilt and punishment in general and then describing its individual procedural stages in more detail. In the third chapter, I briefly discuss the relationship between the agreement on guilt and punishment and the European Convention on Human Rights, with an emphasis on the right to a fair trial. In this chapter, I make particular use of the case law of the European Court of Human Rights. Then, in the crucial fourth chapter, I provide a more comprehensive assessment of the various advantages and disadvantages of the agreement on guilt and punishment. In the fifth chapter of this thesis, I describe the plea bargain in the countries of the Anglo-American legal system, which is the precursor and inspiration of the agreement on guilt and punishment institute. I also compare and evaluate several basic differences between the two institutes.

Key words: agreement on guilt and punishment, conciliation procedure, alternative forms of criminal proceeding