

# Reasoning of Sentences by Regional Courts

## Abstract

This diploma thesis addresses the question of the sufficiency of reasoning of the criminal judgement by regional courts. In the theoretical part, I focus primarily on arguments for the necessity of proper reasoning of the judgement, stemming from both the law and fundamental legal principles. Furthermore, I delve into the context of sentence reasoning within our legal system, as well as the jurisprudence of the European Court of Human Rights, along with their purposes, requirements, and shortcomings. Last but not least, I attempt to present an approach that would help minimize the typical shortcomings of reasoning. The theoretical segment thus gradually answers the following questions concerning reasoning: Whether to reason at all, what does the law, theory, and jurisprudence say about reasoning, why to reason, how not to reason, and how to reason. Thus, it comprehensively covers all essential aspects of reasoning including common arguments both for and against various forms of reasoning.

In the empirical part, I will present an analysis of 300 decisions made by regional courts. The research question posed was, "*Is the sentence reasoning provided by regional courts sufficient?*" This question encompasses various sub-questions and aspects that were documented during the analysis using the method of content analysis. By doing so, I build upon a previous study that examined the same subject matter using the same methodology but at the district court level. The aim was to determine whether and to what extent regional courts reason sentences in accordance with the law and theory. The empirical part also includes a comparison of both researches. The result was the finding that the reasoning of sentences by regional courts is at a similarly low level, considering the presented theory, as it is at the level of district courts. This outcome is not in line with the hypothesis, which anticipated that reasoning at the regional level is significantly higher in quality. However, the reasons behind this result were not able to be determined.

**Key words: punishment, reasoning, individualization**