

Abstract

This diploma thesis focuses on the concept of restorative justice within the framework of Czech criminal law. It initially centres on the concept of restorative justice itself and subsequently explores its manifestations within both substantive and procedural Czech criminal law. This diploma thesis aims to provide a comprehensive overview of the state of restorative justice within Czech criminal law and offer insights into potential future developments and improvements to the Czech criminal justice system to foster a more restorative approach to justice.

The thesis analyses and evaluates Czech criminal law elements with restorative potential and examines how they adhere to restorative principles of restoration, voluntarism, participation, reconciliation and reintegration. The author draws mainly from legal regulations, commentaries, domestic and international scholarly literature, scientific studies, and statistical data.

The thesis is structured into six chapters. The first chapter delves into the core concept of restorative justice, its fundamental values and principles, while also defining key terms such as punishment, the purpose of punishment, and retributive justice. The next chapter examines the manifestations of restorative justice in substantive criminal law, with a focus on alternative penalties and punitive alternatives.

The third chapter discusses the manifestations of restorative justice in Czech procedural criminal law, particularly analysing deviations such as conditional discontinuance of criminal prosecution, conditional postponement of filing a proposal for punishment, and settlement. The fourth chapter describes restorative elements within the Juvenile Justice Act, examining its specifics compared to the legal framework for adult offenders. The fifth chapter explores the Probation and Mediation Service Act with a focus on mediation and probation and their relevance to the concept of restorative justice. The final chapter evaluates the restorative aspects of the Act on Victims of Crime.

Klíčová slova: restorative justice, restorativeness of Czech criminal law, retributive justice