

Abstract

The vast majority of all criminal cases is dealt by so-called diversions of criminal proceedings as the alternative way of dealing with criminal cases. The diploma thesis deals with an agreement on guilt and punishment, which can be considered as this type of special criminal proceedings. Although plea bargaining (agreement on guilt and punishment) is quite a new topic to the Czech legal system, it is often discussed among scholars. In the thesis, I will describe plea bargaining concerning its impact on the rights of the accused.

The thesis is divided into 10 chapters, including an introduction and a conclusion. In the beginning (chapters 1 and 2), I will focus on the description of diversions of criminal proceedings as well as plea bargaining. In the chapter 3, I will describe the legal regulation of plea bargaining under the Czech Code of Criminal Procedure. Then, I will focus on the specific areas of plea bargaining having the greatest impact on the rights of the accused, especially the role of the court of law in plea bargaining, its application within the framework of cases with multiple accused and securing of free will of the accused in entering into plea agreement (chapters 4-9). The final part contains legislative proposals *de lege ferenda* and conclusion (chapters 9 and 10).

The outcome of the thesis supports the conclusion that the rights of the accused are quite limited by entering into plea bargaining. On the other hand, a lighter sentence can be acquired. The sooner a plea agreement is entered, the lighter the sentence can be negotiated. Czech courts of law have the power not to approve (or dismiss) plea agreement in some cases (especially when the sentence is not in accordance with the law or is way too strict or too light). Such power is exercised by the courts only exceptionally.

Key words

criminal procedure, agreement on guilt and punishment, plea bargaining, diversions of criminal proceedings