

Agreement on guilt and punishment and alternative criminal proceedings

Abstract

This thesis deals with alternative criminal proceedings and agreement on guilt and punishment in the first place. The agreement on guilt and punishment as an institute has no tradition in the Czech legal order and was introduced into Czech law due to influence of common law. The agreement is seen as an alternative solution in comparison to usual criminal procedure which is shortened due to the aforementioned agreement. The crucial role is played by time – in which stage of criminal prosecution the agreement is concluded: if the conclusion of the agreement takes place immediately after the initiation of the criminal prosecution, later on but ahead of bringing an indictment or whether the agreement is entered into during judicial proceedings or later in a court of appeals. The agreement constitutes possibility for a defendant and his defence lawyer to avoid criminal trial and bringing of indictment related to it. Proving guilt and collecting evidence are avoided too. All that is possible due to statement of the defendant that he or she committed deed for which the defendant is prosecuted.

This thesis is divided into two main chapters. The first one is focused on the agreement as a whole, its legal definitions and on the point of view of a legal theory, legal principles and statutory definitions as well as the point of view of foreign lawyers and judges and their attitude to the agreement.

Second chapter is divided into more subchapters which are concerned with slightly more economic view of the matter of penalty law, committing crimes, and crimes *per se*, punishments and penalty imposed. Subjects of criminal proceeding are introduced and described thoroughly as well. All aforementioned is assessed from perspective of efficient allocation of scarce resources.

The aim of the thesis was to evaluate how efficient (with regard to costs) these institutes of penalty law are or could become in the future. Next aim of the thesis was not only to describe rights, obligations and resources of the subjects of criminal proceeding but to ascertain the influence of the agreement upon these subjects and their activities during the whole proceeding.