

Abstract

Alternative solutions to criminal cases

This rigorous work meticulously examines and evaluates various types of alternative solutions to criminal cases, also known as diversions. The first chapter provides a general overview and introduces the concept of restorative justice. Chapters two to six offer a detailed analysis and assessment of the legal definitions of specific alternative mechanisms for resolving criminal cases, including conditional suspension of criminal prosecution, settlement, diversions in abbreviated preliminary proceedings (such as conditional postponement of the proposal for punishment and case deferral following settlement approval), criminal orders, and plea agreements. By scrutinizing these diversion institutes, the study not only reflects on current legislation but also incorporates relevant jurisprudence. Additionally, the work presents perspectives based on practical experience with diversion institutes. Chapter seven delves into the legal framework governing Slovak types of diversions, offering a comparative analysis with Czech legal provisions for alternative criminal case resolutions, focusing particularly on conditional suspension of criminal prosecution, conditional suspension for cooperating accused, reconciliation, criminal orders, and plea agreements as per the Slovak Criminal Code. The final chapter, chapter eight, explores considerations *de lege ferenda*, proposing potential improvements and enhancements to the legislation governing these alternative solutions from a criminal law perspective. The objective of this rigorous thesis is to provide a comprehensive view of alternative solutions in criminal cases, introduced in response to the growing number of offenders and the consequent overburdening of law enforcement authorities and prisons. The study aims to determine whether the implementation of diversions incorporates elements of restorative justice and rationalization. It also seeks to elucidate the statutory regulations governing diversionary measures, evaluate their practical application, and examine the recent amendments to the Code of Criminal Procedure that impact these alternative dispute resolution institutions. Additionally, the thesis offers a comparative analysis of these institutions with Slovak diversions. Each institution is supplemented with relevant case law, enriching the interpretative framework of these measures. The study concludes with reflections on potential *de lege ferenda* legislative adjustments to enhance these institutions.

Keywords: conditional discontinuance of prosecution, settlement, criminal order, diversions in summary proceedings, plea bargaining, diversions of criminal proceedings