

Plea bargain

Abstract

This thesis focuses on the institution of plea bargaining, which is an alternative way of resolving criminal cases. A plea bargain consists of the prosecutor and the accused agreeing on the elements required by law, whereby the accused declares that he has committed the act for which he is being prosecuted. The purpose of the plea bargain is to expedite and make the procedure more efficient, thereby saving costs for both the State and the accused. An important reason for its introduction was also to prevent secondary victimisation of the victims whose mental health is at risk in the criminal process. It is still a relatively young institution, having been introduced into the Czech legal system in 2012 and significantly updated in 2020, since when its use in criminal proceedings has been increasing.

The thesis is divided into seven parts. The first one deals with the introduction of the institute into the Czech legal system, including the reasons that led to the adoption of this legislation. The concept of plea bargaining is also defined in this part. The second part analyses the plea bargain *de lege lata*. It examines the legislation in force, including revisions. Consideration is also given to the various subjects that have a role to play in the plea bargaining process. In the third part, the issue of the inclusion of plea bargaining among the deviations is discussed. Diversions in the narrower and broader sense are defined and the plea agreement is classified as a diversion in the broader sense. In the following section, the relationship between the institute and the basic principles of criminal procedure is discussed, whether and to what extent they conflict. The fifth part compares the Czech legislation with the Slovak legislation, which the Czech legislation was inspired by, as the plea bargain was introduced in Slovakia already in 2006. The sixth part provides an insight into the practical side of the matter, i.e. the applicability of the plea bargain in practice. The last part is devoted to the proposed *de lege lata* adaptations.

Key words

Plea bargain, consensual resolution of criminal cases, alternative methods of criminal procedure