

Plea bargaining

Abstract

This thesis deals with plea bargain in Czech legal system. Primary goal of this thesis is to analyse plea bargain in the Czech Republic *de lege lata* and to evaluate potential possibilities *de lege ferenda*. This thesis examines current problems of plea bargain as a legal instrument and it also evaluates in detail practical application of plea bargaining in Czech criminal procedure. Particular attention is dedicated to Act no. 333/2020 Coll., which significantly widened the use of plea bargain to felonies, abolished compulsory defence and also established possibility of negotiation plea bargain in court hearing. Act no. 333/2020 Coll., also implemented entirely new legal instrument called Declaration of guilt, which is closely related to the plea bargain. Secondary goal of this thesis can be seen in analysis of European Court's of Human Rights judicature related to the issues of right to due process regarding plea bargain.

This thesis consists of five chapters, which divide more minutely further. The first chapter defines the term "diversion" since significant part of professional public considers plea bargain a diversion. History of plea bargaining is described in the second chapter and also technical classification of plea bargain is examined in detail. The third chapter consists of legal regulation of plea bargain *de lege lata* and the emphasis is especially put on amendments implemented by Act no. 333/2020 Coll. Chapter four covers the most relevant cases from the decision-making practice of European Court of Human Rights regarding plea bargain and right to due process. The last chapter contains some of the most frequent issues of plea bargaining, which are divided into theoretical and practical part together with possible ways of solving them. Moreover, this chapter provides statistics related to the use of plea bargain in particular years. Final summary evaluates plea bargain as a significant legal instrument from the author's perspective and relevant suggestions *de lege ferenda* assessing current legal regulation of plea bargain are presented.