

Abstract

The topic of the diploma thesis is the reasoning of the criminal judgment, especially with regard to the sentence imposed. The obligation for judges to reason a sentence arises from the Code of Criminal Procedure and the principles of the rule of law; therefore, with some exceptions, it is an essential part of the judgment. The first part focuses on the aspects of the reasoning of the judgment in general (Chapters 1-6), explaining the reasons why judgments need to be justified, the different approaches to reasoning, the principles of good reasoning, and the problems that arise in reasoning. The next part of the thesis (chapter 7) deals with the justification of the sentence in the criminal judgment. The purpose of punishment, principles that influence the process of punishment of offenders, as well as factors (circumstances) that influence the selected punishment are discussed. The next part of the thesis (chapter 8) is devoted to the empirical part: the research which analyzes a representative sample of 366 judgments of Czech district courts in terms of the sentence imposed. Based on the law and the literature used, the data and factors that will be recorded during the analysis whereas the main research question is: How and to what extent do Czech district courts justify imposing sentences? This question is broken down into several research sub-questions and at the end of the research it should be possible to draw partial conclusions on how courts deal with the issue of reasoning of punishment at district level (Chapter 9). The aim of this research is to provide an insight into how Czech district courts decide on punishments, what factors they attach most importance to, whether they consider the purpose of the sentence, whether they individualize the sentence and whether they further elaborate the circumstances. Based on the results of the research, it should be possible to say what the state of reasoning of sentences in the Czech Republic is at the district level, ie whether it is going in the direction that the law or scholarship presupposes.