

House arrest, its execution and control

Abstract

The presented diploma thesis deals with the alternative punishment of house arrest. This punishment became the part of Czech penal system when the new Penal Code came into force on the first of January 2010. The aim of this diploma thesis is to summarize valid substantive and procedural legislation of this alternative punishment, to evaluate its advantages and disadvantages and to propose possible changes and improvements of weaknesses of current legislation.

First three parts of this diploma thesis are focused on essential concepts, such as punishment, purpose of punishment and its functions, alternative punishments, their introducing to legal orders, negative aspects of custodial sentence and explanation of retributive and restorative conception of justice.

Following parts are focused on issues related to valid legislation of house arrest punishment. These parts are major essence of the thesis.

In the fourth part of this thesis there is analysed evolution of this punishment and there are described and explained requirements for this punishment. In this part there is also explained the essence and the content of house arrest and issues linked to house arrest execution.

The fifth part is dealing with house arrest control and it is divided into two chapters. The first chapter of this part is dealing with activities of Probation and mediation service of the Czech republic including house arrest control, its organization and valid legislation and explanation of terms like probation and mediation. The second chapter is focused on electronic monitoring of convicted persons, its evolution since the system was created, basic systems of electronic monitoring and issues related with its implementation into penal system of the Czech republic.

The sixth part concerns different types of conversions in connection with house arrest, which is important part of secondary sanctions and the seventh part is devoted to summarization of effective legislation of youthful offenders and its comparison to adult offenders legislation.

The eighth part concerns foreign legislation of this punishment in general, it describes models of house arrest in England and Wales and there is closely analysed Slovak legislation of house arrest and its comparison with Czech law.

The ninth part of the diploma thesis offers main advantages and disadvantages with some suggestions de lege ferenda.

The final part of the thesis evaluates the current substantive and procedural regulation of house arrest punishment and marks out the most important issues.