

ALTERNATIVES TO IMPRISONMENT

ALTERNATIVE PUNISHMENTS IN JUDICIAL PRACTICE

Abstract

This diploma thesis deals with judicial practice in the application of alternative punishments mentioned in the Act No. 40/2009 Coll., the Criminal Code. The Criminal Code was adopted as part of the progressive effort to reform and modernize the criminal law of the Czech Republic as a substitute for the outdated criminal code of 1961. The adoption of a new substantive code of criminal law promised to reduce imposed sentences and to place greater emphasis on alternative solutions to criminal matters. The Czech Republic faces long-term problems with a high prison population and a criminal recidivism, which should be reduced with the help of the new Criminal Code.

However, what is the current judicial practice? The author seeks to answer this question in his diploma thesis by his own statistical analysis of alternative penalties imposed from 2006 to 2016. Statistical research follows the general part of the thesis which summarizes the essential approaches to purpose of punishment and the international efforts for depenalization which brought several alternative solutions to criminal matters. The general part of the thesis further outlines the current criminal policy of the Czech Republic and its current issues.

The author also distinguishes alternative sanctions from alternative measures and deviations in criminal proceedings. Another important part of the thesis is the analysis of legal regulation of individual alternative punishments and their mutual comparison. Attention is paid to the advantages and disadvantages of penalties and their effect on perpetrators. The thesis deals with issues related to the unconditional imprisonment, conditional punishment, home imprisonment, community service, monetary punishment, prohibition of activity, prohibition of residence and prohibition of entry to sport, cultural and other social events.

In the statistical part itself is presented the research of data obtained from the Criminological Yearbooks of the Ministry of Justice on the imposition of various types of punishments. Based on these data, the diploma thesis finds that alternative sanctions are stagnating and,

on the contrary, stricter sentences of imprisonment are imposed. The work also contains statistics on the imposition of alternative punishments according to the selected headings of a specific part of the Criminal Code. Based on this, the effectiveness of the application of alternative sanctions and the potential for their further development are assessed.

Keywords: Alternative punishments, penology, sanctioning.