

Alternatives to unconditional sentence of imprisonment

ABSTRACT

This master's thesis deals with the topic of alternatives to unconditional sentence of imprisonment. The aim of the thesis is to evaluate advantages and disadvantages of alternatives to unconditional sentence of imprisonment, carry out a critical analysis of its legislation and provide own *de lege ferenda* proposals. Throughout the whole paper, comparative method is widely used. The Czech legislation is compared not only to the legislation of (central) European states, but to the legislation of the United Kingdom, Canada and the United States as well.

The paper is divided into nine chapters in total. The first three chapters provide an excursion to the problematics of the term punishment and its purpose, alternative measures and (predominantly) critical analysis of unconditional sentence of imprisonment. Chapters four to seven analyse individual means of alternative sentences, i.e. house arrest, community service, fine and (supervised) conditional sentence of imprisonment. Each of these chapters is build up on the basis of a uniform model. Within single chapters, every type of punishment is analysed from the point of view of its essence and historical development, imposition and exercise of punishment, conversion of sentence into unconditional sentence of imprisonment and statistic data gathered from application practise. The eighth chapter is dedicated to the comparison of Finnish legislation concerning fines. Ninth chapter subsequently clearly summarises the most significant *de lege ferenda* proposals in relation to individual means of alternative punishments.

Based on the analysis and comparison, paper concludes that the sanction system is, in general terms, sufficient. Despite such conclusion, the legislation includes a whole series of imperfections that need to be fixed in the future. Paper identifies the most problematic parts of the legislation, especially the cummulation of punishments, high threshold of fines daily rates combined with overly rigorous conversion rate and state's inability to provide a stable electronic monitoring of persons serving house arrest.

On the other hand, the paper also points out that alternative sanctioning has its limits and the unconditional sentence of imprisonment will always has its firm and irreplaceable position.

KEY WORDS: Alternative measures, alternative punishments, sanctions policy