

Punishment of disqualification and its control

Abstract

The topic of this diploma thesis is the punishment of the disqualification and its control. The main goal of this work is to analyze the regulation of the disqualification of activity in the Czech legal system, to describe the control of its execution and especially the pitfalls associated with control and, last but not least, to propose changes in legislation. The text of the thesis is divided into nine chapters, some of which contain subchapters. In conclusion, I summarize and assess the results of the work set out in its introduction.

The first chapter discusses the theoretical nature of punishment and its purpose in general and then specifically the punishment of disqualification itself. The second chapter traces the historical development of the punishment of disqualification.

The third chapter is divided into three subchapters. The first of them represents the system of punishments in the Czech legal system, the other specifically focuses on alternative punishments and the last is focused only on the punishment of disqualification.

The fourth chapter, divided into four subchapters, is devoted to the imposition of the punishment of disqualification and its imposition. This part of the work outlining the practice of the courts is based mainly on the rich case law relating to the punishment of disqualification. This chapter discusses the condition of the connection of a criminal offense with a prohibited activity, defines the types and scope of prohibited activities and the imposition of the punishment of disqualification.

The fifth chapter describes the specifics of the punishment of disqualification imposed on legal persons. The sixth chapter deals with the criminal measure of punishment of disqualification imposed on juvenile offenders.

The most comprehensive seventh chapter is divided into five subchapters. The first two subchapters explain the execution of the sentence of punishment of disqualification and the conditional waiver of the execution of this sentence. The third subchapter describes the smoothing of convictions. The fourth subchapter relates to the issue of control over the execution of a sentence of punishment of disqualification and the reasons for its failure. The criminal offense of obstructing an official decision and expulsion, including an outline of a change in the concept of a motor vehicle driving ban, forms the fifth subchapter.

The statistically conceived eighth chapter examines the decision-making practice of the Czech courts in four subchapters. The first subchapter summarizes the various types of penalties imposed by district courts. The second subchapter discusses the types of prohibited activities and their imposition, among other punishments, while the third subchapter defines the punishment of prohibited activities imposed separately. The fourth subchapter is devoted to the ban on driving motor vehicles.

The ninth chapter compares the punishment of disqualification with similar institutes of the Czech legal system. The first subchapter defines the differences between reasonable restrictions and obligations and the punishment of disqualification, with special attention being paid to the institute of delay in driving motor vehicles. The second subchapter compares the punishment of disqualification in administrative and criminal law with a focus on the development of case law on the driver's points system.

Keywords: Disqualification, Punishment, Control of execution of the punishment