

The Imposition of Unconditional Imprisonment and Related Matters

Abstract

This rigorous thesis deals with selected aspects of the imposition of unconditional imprisonment. This punishment is universal, subsidiary and generally the most severe punishment that can currently be imposed in the Czech Republic. It is executed in two types of prisons: prisons with security and prisons with high security.

In this rigorous thesis, attention is drawn to problematic issues related to the imposition of unconditional imprisonment encountered in practice, which arise from certain inherent imperfections in the legislation. Apart from the theoretical concept of imprisonment itself, the work examines the institutes of exceptional reduction and exceptional increase of imprisonment, as well as the decision-making process for executing unconditional imprisonment.

As regards systematization, the goals and structure of this thesis are set out in more detail in the introduction. The thesis is divided into three main parts, which progressively examine imprisonment, how it is imposed and the decision-making process, including related problems. In the chapters and subchapters of the first part, the concept of imprisonment, its position among other criminal sanctions, its philosophical background, purpose and functions are addressed. The second part deals with selected aspects of the imposition of this type of punishment, especially in relation to the institutes of exceptional reduction and exceptional increase of imprisonment. The third part focuses on the decision-making process for executing unconditional imprisonment and the related external differentiation of prisons. In the conclusion, it is argued that the current legislation on the imposition of unconditional imprisonment analysed in this thesis is generally satisfactory. However, there is space for improvement, especially in relation to the amendment of the legal regulation of external differentiation of prisons, which in certain cases encounters one of the most basic principles of Czech criminal law, which is the prohibition of *reformatio in peius*.

Key words: unconditional imprisonment, imposition of unconditional imprisonment, means of executing unconditional imprisonment