

**Charles University in Prague**  
**Faculty of Law**

**Ing. Viera Krajňáková**

**THE ISSUES OF EXCEPTIONAL PUNISHMENT**

Diploma thesis  
Abstract

The Supervisor of Diploma thesis: doc. JUDr. Jana Tlapák Navrátilová, Ph.D.

Department of Criminal Law

Date of elaboration of Diploma thesis (closing the manuscript): 6. 9. 2021

# THE ISSUES OF EXCEPTIONAL PUNISHMENT

## ABSTRACT

The diploma thesis is focused on the description and evaluation of the basic forms of exceptional punishment, as they are known by the Czech legal system and legal systems of selected European states. The introductory part deals with the meaning and purpose of the institution of punishment as such and the basic streams of thought dealing with the justification of punishment as an intentional harm caused to the offender for the committed crime. The second part of the thesis analyzes the historical development of the types of punishments in relation to the development of its function, from various physical punishments through the death penalty to the modern imprisonment of a limited duration or for life. In the following sections, I tried to describe and evaluate the death penalty itself from the point of view of its conformity with the basic human rights, from the point of view of arguments presented by retentionists and abolitionists, its current use in various countries of the world and efforts to abolish it at the international level.

From the environment of Czech legal culture, the thesis describes the history of the development of punishments focusing on the death penalty, the process of its abolition and replacement by other types of punishments, and the current tendencies of public opinion to reintroduce this type of punishment. In what follows, the thesis further describes the current state of the legal regulation of imposing the exceptional punishment in the form of imprisonment for over 20 to 30 years and for life and the state of the legal regulation of the execution of the exceptional punishment in the penitentiary facilities, focusing mainly on the consequences of the long-term imprisonment on the mental health of a prisoner. At the end of the thesis, I tried to indicate the changes in the regulation of imposing exceptional punishment, as well as in the regulation of the execution of these punishments, which seem to be appropriate and above all effective from the point of view of the effort to achieve the highest possible degree of resocialization of the offender, so that the punishment fulfills not only retributive, but primarily a social re-educative role and thus contributes to the overall protection of society from crime and possible recidivism.

**Key words:** exceptional punishment, death penalty, life imprisonment