

Legal Regulation of Alternative Punishments

Abstract

This rigorous thesis deals with the legal regulation of alternative punishments. It focuses on a group of alternative punishments in the narrower sense, which includes conditional sentence to imprisonment including conditional sentence to imprisonment with supervision, house arrest, community service and financial penalty. The aim of the thesis is to analyze the Czech legal regulation of alternative punishments in the narrower sense *de lege lata*, compare it with the Dutch legislation, define controversial issues and conclude whether the current wording of the relevant legal provisions is sufficient or will need to make *de lege ferenda* some changes.

The text of the thesis is divided into seven chapters. The first chapter describes the problems of unconditional imprisonment, defines alternative punishments and related concepts and distinguishes alternative punishments from other alternative methods of solving criminal cases. There is also a brief historical excursion into the development of alternative punishments, both at the international level and within the framework of Czech criminal law. The concept of restorative justice is also mentioned. Furthermore, the work deals with individual alternative punishments in the narrower sense. First, the legal regulation of a conditional sentence to imprisonment is discussed, including a conditional sentence to imprisonment with supervision, while special attention is paid to the unclear legal nature of this institute. Furthermore, the legal regulation of house arrest, community service and financial penalty is gradually analyzed. The author deals with the imposition, assessment and execution of these punishments, she also analyzes in detail the duties of convicts. The sixth chapter deals with selected alternative punishments in the Netherlands and includes a comparison of Czech and Dutch legislation. In the last chapter, there is an evaluation of the state of the Czech legislation of alternative punishments in the narrower sense and the definition of specific proposals *de lege ferenda*.