The imposition of the punitive measure of unconditional imprisonment on juveniles and its execution

Abstract

This rigorous work deals with the imposition of the punitive measure of unconditional imprisonment on juveniles and its execution and aims to expound the process of imposing and executing this most severe criminal measure. The aim of the thesis is also to point out the lack of legal regulation and its practice. In general, juvenile criminal law is very specific as juveniles are individuals who are still developing; the chapters of this thesis are therefore focused mainly on the specifics by which unconditional imprisonment of juveniles differs from unconditional imprisonment of adults. Even though the application of diversions and alternative punishments is, according to the principle of restorative justice, currently preferred, the issue of unconditional imprisonment is still often discussed, which is why I believe that it is still a topical issue.

The thesis is divided into six successive chapters; the merit of the thesis is covered mainly in the third and fourth chapter.

The first chapter is focused on the substantive and procedural specifics of juvenile criminal law which are reflected in various criminal law issues. The beginning of this chapter deals with the history of juvenile criminal law. This chapter also covers the definition of basic terminology and fundamental principles of juvenile criminal law. The criminal liability and related matters cannot be neglected. Particular divergences reflected in the individual stages of criminal proceedings of juveniles are also listed.

The second chapter covers criminal sanctions imposed on juveniles. Educational measures are presented, especially their goal and imposition. In the part dealing with protective measures, emphasis is placed on the protective education, which is the only protective measure regulated in Juvenile Justice Act No. 218/2003 Coll, as amended. The last part of this chapter then deals with criminal measures, particularly with their deviations from the general legal regulation.

The third chapter focuses on the imposition of the criminal measure of unconditional imprisonment. Besides the characteristics of this criminal measure and its imposition, particular attention is paid to criminal rates and extraordinary reduction in term of imprisonment. Moreover, I also deal with substantive alternatives to punishment and alternative measures to the criminal measure of unconditional imprisonment. The last part of

this chapter contains the statistical data of the imposition of the unconditional sentence of imprisonment on juveniles in practice.

The fourth chapter characterizes enforcement proceedings and then analyzes in detail the execution of the criminal measure of unconditional imprisonment from its order through living in a prison to the release of the convicted person. Also, this chapter mentions issues related to the reintegration, cessation of sentence and rehabilitation. Alternatives to unconditional imprisonment in prisons and statistics of the execution of unconditional imprisonment are included as well.

The fifth chapter is devoted to a brief comparison with German legal regulation of juvenile sanctions; I focused specifically on German legislation which is, to some extent, similar to Czech legislation as it is based on the same principles.

In the sixth chapter, for the sake of clarity, there is a summary of key proposals *de lege ferenda* which were outlined in the previous chapters.

Key words: **unconditional imprisonment, sentencing, juvenile deliquency, Juvenile Justice Act, criminal measures**