

Sentence of expulsion for an indefinite period

Abstract

This thesis focuses on the sentence of expulsion for an indefinite period. It is a sentence that is particularly characterized by the limited range of offenders on whom the sentence can be imposed, as it only applies to adults without the citizenship of the Czech Republic. In addition, the sentence of expulsion for an indefinite period is also characterized by its unlimited duration and the consequently limited possibility of its termination. Although the issue is related to the heavily discussed topic of the criminality of foreigners, it is not given much attention in the Czech Republic. Also the foreign legislation takes a different approach to the issue of forcing a foreigner to leave the country on the basis of the commission of a crime, and the indefinite expulsion as part of the sanction system cannot be easily compared with them.

This thesis aims to provide a comprehensive view of the sentence of expulsion for an indefinite period in the current legislation, including an examination of how the sentence is imposed in the Czech Republic and whether the sentence can be terminated and the conviction expunged.

The thesis is systematically divided into four chapters. The first chapter presents the sentence in general terms and therefore deals with the establishment of the sentence in the legislation, its historical development, its purpose, but also the influence of the basic principles of sentencing or the compatibility of the sentence with human rights.

The second chapter deals with the actual issue of imposing this sentence. In particular, it presents the legal conditions and obstacles to the imposition of the sentence, as well as the criteria for imposing the sentence resulting from case law. All of this is presented with an emphasis on the actual frequency with which the sentence has been imposed by the general courts over the last five years, including the facts as to how many times, for which offences, on offenders of which citizenship, and how the sentence was imposed, based on information obtained through data collection from particular subjects.

The third chapter focuses on the execution of the sentence. In addition to the analysis of the process of the execution of the sentence, it also deals with the institution of expulsion detention and the consequences of the imposition of the sentence for the convicted. In subchapters, it deals, among other things, with the sensitivity of punishment and different views on it and the possibility of postponing or interrupting the execution of the sentence.

The fourth chapter deals with the remission of sentence as a prerequisite for its expungement, focusing on the recent case law of the Czech Constitutional Court and its

influence on the ruling of general courts on applications for remission of this sentence in recent years. This chapter also contains a list of other prerequisites for expungement and an assessment of the factual possibility of expungement of the sentence of expulsion for an indefinite period.

Key words: sentence, expulsion, expulsion for an indefinite period