

## **Execution of alternative punishments – Resumé**

The purpose of my thesis is to describe a process of an execution of alternative sanctions and the biggest problems in this part of criminal proceeding. This thesis is divided into seven chapters: Term of punishment and its purpose, Execution of punishments as a specific part of criminal proceeding, Alternative sanctions, Community service, Suspended sentence, Pecuniary punishment and House arrest.

The first two chapters deal with the term of punishment and its execution in a general sense. The third chapter concentrates on alternative sanctions, their definition, evolution, purpose and advantages. Next three chapters describe specific alternative sanctions which the Czech penal code lists: community service (an offender is sentenced to do an unpaid work in his free time in a local community), suspended sentence (the criminal is not sent to prison but he is obliged to behave well for a fixed period of time, it can be imposed along with various duties and restrictions or with a supervision of probation officer) and pecuniary punishment (the criminal is sentenced to pay specific amount of money to the state). The last chapter introduces a new kind of alternative sanction, house arrest, which is going to be a part of the Czech legal system from 2010.

I've chosen alternative sanctions because their execution creates main scope of my employment. Alternative punishments can be defined as a group of punishments which are not connected with an imprisonment and which allow a judge to decide between an imposing a prison sentence or some of its alternatives. It means that an offender may remain free but if he violates legal conditions the judge may order that the offender must serve the prison sentence. Alternative sanctions are relatively new part of criminal law because their main era started approximately thirty years ago. Their main purpose has been especially to reduce a number of prisoners and to find the new kinds of punishments which wouldn't be connected with such as negative effects as the imprisonment is. So the basic rule should be to impose the imprisonment only in cases of serious crimes upon offenders

who must be isolated from a society because their rehabilitation is almost impossible. In other cases alternative sanctions should be preferred.

Alternative sanctions are very widely used punishments but their execution is not always easy. Main condition of successful execution is offender's positive approach. If the criminal does not cooperate the judge has to often decide that the prison sentence must be served. So it's important before the imposing a specific sanction to know offender's personality and to find out his attitude towards the proposed sanction. Then it's up to good cooperation between the court and other subjects (probation officer, communities and other institutions) to execute alternative punishment effectively.

It can be concluded that the Czech legal regulation of alternative sanctions is not bad but as a main task remains to make some necessary changes to secure their more effective execution and also to unify the decision-making and the procedure of courts in this important part of criminal proceeding.

Seznam klíčových slov: alternativní, tresty / alternative, punishments