

COMMUNITY SERVICE ORDER

Summary (Resumé)

The aim of my thesis was to analyse the community service order of its positive and negative aspects and its practitioners as well as theoretical issues. Community service order is one of the alternative punishments which currently often replace imprisonment. This punishment is imposed as one of the most common sentences for us. The reason why I have chosen this topic is because the community service order is very interesting institute which has already found its place in our legal system and it certainly will have in the future. It also represents an important alternative to punishment, which brings many positives but in some respects is also criticized.

The thesis is composed of ten chapters. Chapter One defines the position of the community service order in the system of penalties and is subdivided into five parts. Part One defines the community service order generally and refers to general principles of criminal law. Part Two explains the concept of punishment. Part Three deals with the sentence structure. Part Four determinates the community service order, its place in the system of penalties. And last part focuses on historical development.

Chapter Two explains the importance of the community service order as an alternative to imprisonment. The chapter consists of four subchapters. The first part deals with the term alternative punishment, the second part describes the objectives of an alternative sentence and the third part assesses accomplishments and negatives of alternatives. Part Four compares the community service order with imprisonment.

Chapter Three explains the essence of the community service order.

The fourth chapter attempts to clarify the punishment regulation of the community service order in Criminal Code and consist of nine subchapters. Part One focuses on statutory conditions of sentencing and the content of this punishment. Part Two considers the rate of punishment. Part Three lists appropriate restrictions and obligations that are possible under the penalty imposed. The next parts deals with health status of the offender, the consent of the offender, the nature of community service order, the statutory deadline for the executions, the possibility of conversion of community service order into imprisonment and other substantive conditions.

Chapter Five describes the legislation of the community service order in the Criminal Procedure Code and consists of seven parts. Individual parts focuses on description of the execution of the punishment, postponement, interruption and discontinuance of serving the sentence and cooperation between authorities.

Chapter Six concentrates on the possibility of using community service order for juvenile offenders.

The seventh chapter contains safety and health at work in the performance of the community service order and also deals with liability in the performance of this sentence.

Chapter Eight provides characteristics of aims of the Czech Probation and Mediation Service for serving the sentence of community services and is divided into four parts. Individual sections discuss various tasks of probation officers in the community service order, including modification Probation and Mediation Service in the law.

Chapter Nine summarizes findings from practice based on the research carried out by me. The research provides practical experience gained from interviews with people who within their work meet with the community service order as judges and probation officials.

The last tenth chapter describes legal regulations of the community service order in other European countries and then compares legislation of the community service order in the Czech Republic with other countries.

In the final part of my thesis I try to summarize all the knowledge gained from the research about this particular sentence from the practical aspects. And I would also like to express my own views on the possible revision of certain areas of community service order.

Keywords – Klíčová slova

Community service order – Trest obecně prospěšných prací

Alternative punishment – Alternativní trest

Probation officer – Probační úředník