

Resumé/Summary:

This thesis deals with alternatives to unconditional prison sentences and procedural law alternatives in the field of criminal law. The introduction outlines the historical development of alternative sanctions and the reasons for their creation and implementation. The following chapters address alternative sentences as accounted for in the valid and effective Czech legislation. The community service sentence, as the most typical alternative punishment, is discussed in detail. Attention is also focused on suspended sentences, including suspended sentences with supervision, i.e. punishments which are definitely the ones that are imposed the most frequently in the Czech Republic. The sentence of pecuniary penalty, which is also often imposed as an alternative sanction, is dealt with thoroughly too. Other punishments, including forfeiture of an item, prohibition of a specific activity, prohibition of residence and deportation, whose alternative function is rather secondary, are paid less attention. The following part of the paper provides a comparison of alternative sentences according to Slovak legal regulations with alternative penalties envisaged by Czech legislation. In view of the recent amendment to substantive criminal law in the Czech Republic (Act No. 40/2009 Coll.), this chapter also brings up the respective issue. The final chapter concerns alternatives to criminal proceedings, so-called “diversions”.

I believe that alternative sentences and criminal procedure alternatives are currently a pressing issue which needs analysing. However, mere introduction of alternatives into the rule of law is only the first step towards the solution to problems associated with the unconditional prison sentence. First and foremost, alternative approach to criminal cases cannot be efficient without the correct application of alternatives. There are two aspects to this: Firstly, it needs to be established whether, given the circumstances of the offence and/or the offender, any alternative procedure may be considered, and if so, which alternative

punishment would be the most suitable. Secondly, the alternative sanction must be designed in such a way as to reflect specific circumstances of the case. Indeed, excessive, or inappropriate, use of alternatives in dealing with criminal cases can be a mistake equal to that of disregarding them.