

Issue of the life imprisonment - Summary

My diploma thesis discusses imprisonment for life. The purpose of my thesis is to analyse main aspects and basic problems of the life imprisonment. This is mostly the strictest punishment in the states where the death penalty was abolished. This penalty is imposed for the most serious crimes. The aim of this punishment is to ensure the protection of society from the most dangerous offenders. The life imprisonment is part of our criminal legislation since 1990, when the Czech Republic abolished the death penalty. The capital punishment was replaced by the life imprisonment. In my study special attention is given to life sentence in the Czech Republic *de lege lata* – especially actual legislation of the life sentence, conditions of its sentencing and regulation of its execution.

The thesis is composed of an introduction to the issue of life sentence, seven chapters and the conclusion, where I have attempted to summarize this issue. Beginning my diploma thesis (including chapter I and chapter II) dwells on elementary theoretic institutes as a punishment, its purpose and functions, followed by the development of imprisonment for life in the Czech and Czechoslovak criminal law. Chapter II is subdivided into 4 periods: the period from 1918 to 1950, following the period from 1950 to 1961, third period covers years from 1962 to 2009 (the period of the positiv law), and the last period deal with the new Criminal Code, which entered into force from 1 January 2010.

Over very long time the strictest delict was the death penalty, and therefore I pay attention to this penalty in my study (chapter III). I represent the general advantages and disadvantages of death penalty. At the present time the death penalty was replaced by the life imprisonment in most countries. The life imprisonment is often alleged, that it is contrary to fundamental human rights, particularly the right of freedom. The life imprisonment is a relatively new element of Czech criminal law, therefore we haven't experience with its application and execution. On the account is important to take into legislation of this institute in criminal codes of the other states. The VII charter provides legal regulations of life sentence in other European countries. The V, VI and VII chapters includes actual legislation of life sentence, the conditions for its sentencing and its execution.

My diploma presents such institutes such as a parole and an amnesty. The life imprisonment has just like any other phenomenon of the law favourers and opponents. Its favourers disagree with the death penalty and they consider the life imprisonment as a acceptable compensation for the death penalty. The main arguments of its supporters are as follows: the life imprisonment respects the right to life, the life sentence is not unavoidable in the case of miscarriage of justice and this penalty gives the opportunity to remedy and reintegration into society for offenders. The most important arguments of the opponents include the following: negative effect on the mental health of prisoners (the life imprisonment means an indefinite isolation from the society), the convicted offenders find themselves in a hopeless situation. The opponents of the life sentence suggest, that this punishment is inhumane and they express the life imprisonment as „social death penalty“.

My diploma thesis provides comprehensive view of questions concerning the life imprisonment. I have positive view on the life imprisonment, I think that the life imprisonment is an acceptable and legitimate punishment.