

Summary

The submitted work, as follows from its title, is concerned with criminal recidivism, in the first part primarily from a criminological perspective, while the second part of the work then deals particularly with the perspective of criminal law. As there has been a tendency to neglect recidivism in the professional literature in recent years, this work attempts to provide an overall summary of the subject of criminal recidivism while endeavouring to mention the most important aspects that are closely related to recidivism. Consequently, the introductory part of the work is devoted to a general delimitation of criminal recidivism and its various forms.

The work attempts to make a basic excursion into this subject area while simultaneously endeavouring to evaluate the effectiveness of the commonest approaches employed in connection with criminal recidivism, primarily in relation to the current legislation in this country and abroad.

In the context of foreign legislation and especially of the application of life sentences in the most serious cases of recidivism in some countries (including the former legislation in the Czech Republic) as obligatory punishment, considerable space is devoted here to the “three strikes law”, which is applied primarily in the U.S.A. and, recently, also by our Slovak neighbours. This legislation, which introduces the obligation of the courts to impose a life sentence, most frequently for the third conviction of an offender for a serious criminal offence, is highly disputable; however, it can be considered to be a sufficiently strong tool in battling recidivism and thus works concentrating on this subject area cannot be neglected.

This paper also includes a discussion of the suitability of employing this instrument, where the author states her disagreement and tends rather to recommend that recidivist offenders committing serious criminal acts be isolated from society using the protective measure of detention. Otherwise, criminal repression would be overextended while giving up on the educational effect of punishment. A brief description is also given of the legislation on recidivism in Slovak, German and Russian law, representing three quite different approaches to recidivism in the context of the criminal punishment of offenders.

A further part of the work is concerned with the state and development of recidivism from the viewpoint of police, judicial and prison statistics, with special emphasis on the effectiveness of punishment by imprisonment. A special section of the work deals with the possible effect of serving imprisonment on recidivism as an important factor in further criminal conduct. The subject of recidivism is inseparably connected with the aspect of the personality of the recidivist offender and a criminal career in general and thus these subjects are also included in the text of the work.

As the new Criminal Code came into effect on January 1, 2010, taking a far more comprehensive view of criminal recidivism than the previous legislation, part of the work is also devoted to the Criminal Code from the viewpoint of the treatment of criminal recidivism and comparison with the previous legislative attempts to deal with recidivism, where this subject area was only minimally and incomprehensively resolved in the previous legislation.

The author pays special attention to a systematic view of recidivism as an especially aggravating circumstance in the special part of the Criminal Code and describes other provisions taking recidivism into account.