

Abstract

The main purpose of this thesis called „Alternatives to unconditional imprisonment” lies in the evaluation of the current alternatives to unconditional imprisonment in the Czech penal law focusing mostly on the substantive aspects of alternative punishments in the narrower conception. Author tried to present proposals based on studying literature, laws, judicial decisions and comparison with foreign legislations, which could lead to improving Czech legal regulation in this area.

The thesis is composed of 8 chapters. In the introductory chapter readers are informed about content of the thesis, purpose of the thesis and methods used. Next three chapters deal with topics related to the purpose and functions of punishment, the benefits of alternatives to imprisonment and factors, which counteract against the efforts to reduce prison population. Author deemed necessary to analyze purpose of punishment, before he examined specific alternatives. Author tried to show that some conception of the purpose of punishment supports the use of alternatives to imprisonment, but attention must be also paid to social and economic conditions of offenders. He pointed out that the economic advantages of alternatives must be taken only as a supportive argument not primary. He disagreed with increasing penal repression, which is performed without detailed analyses.

In the next chapter author briefly examined alternatives to unconditional imprisonment in general. He dealt with issues such as definition and division of the alternatives, activities of international organizations and process of implementing alternatives to the Czech legislation.

In the following two chapters author at first paid attention to procedural alternatives than he dealt with substantive alternatives.

System of alternative punishments can't be understood separately, because substantive alternatives compete with procedural alternatives. Author briefly defined diversions and then he paid attention to legal regulation of penal order, which he regards as unsatisfactory. He showed, that penal order can cause in some situation longer imprisonment for offenders, if judges think poorly of their decisions. Author tried to find the way how to fix it.

Author sought to contribute to the discussion about alternatives to imprisonment and he concentrated on alternative punishments directly aimed on substitution of imprisonment such as fine, house arrest, suspended sentences and community service. Author was aware of influence of the system of alternative punishment by practice of courts. He proposed only partial changes of legislation, because he thought, that the legislation should be continuous. Author disagreed with concept of subsidiarity of unconditional imprisonment in the Czech legislation, because it inadequately reflects seriousness of the committed offence.

In final part of the thesis author presented his conclusions and proposals to amend legislation, which is detailed in previous chapters of the thesis.