

Alternatives to unconditional imprisonment

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The following thesis is concerned with alternatives to unconditional imprisonment. I have chosen this theme because I think it is very topical and frequently discussed issue not only among experts but within the general public, too. These specific institutes of the criminal law enable quick, economical and effective solution of particular criminal cases with no need of using unconditional imprisonment. The main goal of this paper is to provide its reader with a summarizing overview about the existing alternatives in the present Czech criminal law, about their advantages and disadvantages, about the reasons which led to their implementation to our legal system and about another important related aspects.

The introductory chapter of this text deals with the general issues of the purpose of sentencing and sanctions. It provides the basic information about the main principles of sentencing and the theories of sentencing which laid the foundation of contemporary system of criminal justice. The following chapter describes the beginnings of the development of alternative sentencing in Bohemia region. The restorative justice and its principals brought new ideas to criminal law during the second half of the 20th century. According to this original doctrine the unconditional imprisonment lost its effectiveness and its using is connected with many negative factors. The restorative justice accents besides other things the role of an injured person and offers the new possibilities for the justice system in the form of the alternative sentences and other alternative ways in criminal law. That's why the third chapter focuses on its importance and dominant features.

The crucial part of this thesis includes chapters four to seven. The author seeks for a complex enumeration of all possible alternatives at this place at first. Then he pays attention to the most important kinds of alternative sentences – the conditional sentence, the house arrest and the community service. This passage is devoted to actual legislation of these three sentences, its essential changes, positive and negative aspects, frequency of its using and the proposals for possible future changes.

A recent wide development of the alternative forms within the criminal law represents the effort of many countries to find new possibilities in the sphere of sentencing of the

perpetrators of misdemeanours. It is still very topical problem and this thesis comes with a further contribution to the never-ending debate about the utility and necessity of the alternatives to unconditional imprisonment.