

Abstract

The primary aim of this work is to summarize and evaluate the current legislation for institutions providing compulsory treatment and preventive detention, and if possible to also provide a comprehensive overview of the development of these institutions, ordering and discharging them, with respect to the relevant decisions of the court. This work consists of six chapters, with each one dealing with individual aspects of these institutions, and the introductory chapter mainly explains the circumstances behind the choice of this theme and their impact on the assignment and goal of this work.

Another chapter is devoted to the historical development of compulsory treatment and preventive detention. It is demonstrated here how these institutions developed in Europe, as well as the development of protective measures before the establishment of independent Czechoslovakia, namely until the adoption of the Safe Detention Act and embedding compulsory treatment and preventive detention in the new Criminal Code.

The third chapter is devoted to protective measures as a whole. It describes what is actually meant by protective measures, which parts of these institutions belong to this category, and in particular it shows major differences between punishment and protective measures. Special attention is also given to the principle of proportionality.

The institution of compulsory treatment is described and analyzed in chapter four, while important concepts like insanity, mental disorder and the danger of allowing offenders freedom are interpreted. Attention is also paid to ordering compulsory treatment, individual forms of ordering compulsory treatment (institutional or outpatient) and to the various types of compulsory treatment (compulsory treatment of psychiatric, sex, alcohol and drug problems) and the discharge of compulsory treatment; the solution is mainly procedural. Most of the material is devoted to compulsory treatment in prison, in relation to § 99 paragraph 4 of the Criminal Code. The conclusion of this chapter is devoted to the scope and limitations of the duration of compulsory treatment.

Similar to the section on compulsory treatment, the chapter devoted to the institution of preventive detention is devoted to the characteristics of this institution, ordering and discharging it, and its duration, where the procedural aspects of the matter are again emphasized.

The content of the sixth chapter is a reflection on the shortcomings of the legislation of both institutions and proposing some solutions to these problems *de lege ferenda*. (e.g.

preventive detention), and the final chapter is devoted to the institutions of compulsory treatment and preventive detention in relation to juveniles.