

Abstract

The name of my thesis is Alternatives of unconditional sentence of imprisonment. Because of a very wide range of alternative of unconditional sentence of imprisonment, I concentrated on suspended sentence, community service, house arrest and fine. I tried to present proposals base on studying laws, judicial decisions, czech and foreign literature.

My compulsory work also examines legal regulations in the other countries in order to confrontation with Czech legal regulation and contains de lege ferenda reflections. The Austrian legal regulations of alternatives to imprisonment have been chosen for the purpose of this work, because their systems are close to the system of Czech criminal law.

The thesis is divided into six chapters and some of them are divided into subchapters for better clarity.

The first chapter is concerned with the concept of punishing. It is subdivided into two other parts. The first one deals with term of the punishment and the second one describes the purpose of the punishment.

The second chapter looks into the alternative forms in criminal law in general. This chapter is also subdivided into four parts, which describes one by one the development of the alternative forms, their system, the concept of restorative justice and last but not least the activity of the Probation and mediation service in the Czech republic. This body represents a very significant element in an effectively functioning system of alternative measures because the work of probation officers is an important condition for the application of several kinds of alternative measures.

The second part of my diploma thesis (including chapter 3-6) focuses on every single alternative form in Czech criminal law such as suspended sentence, community service, house arrest and fine. These chapters deal with the Czech legal regulation of alternative measures, particularly with the changes brought about by the new Criminal Code. This work points at the identification of some problematic aspects concerning both the field of legislation and the introduction of alternative measures into practice, and proposes their solution de lege ferenda.

The aim of my thesis was to summarize current regulation of the alternative measures mentioned above and brings some new knowledge about these institutes and their position in penal system.