

Resumé

House arrest punishment, its execution and control

House arrest punishment became a part of the Czech criminal law in 2010. Even though it is possible to impose this punishment for several years, it is not so commonly used. Judges and public prosecutors are still not convinced about its efficiency due to insufficient control. In my thesis I am dealing with particular provisions concerning house arrest, conditions for which the punishment might be imposed and with possible mechanism of its control.

The first chapter is about the punishment theory. It is worth mentioning because the definition of this concept is important for deep understanding of the issue. I define the main characters of the restorative justice in followed chapter. This concept has influenced the alternatives punishments into which house arrest comprises.

In the following chapters I am dealing with particular provisions of the house arrest, focusing on the conditions of imposition. This criminal sanction can be imposed for misdemeanour in duration not exceeding two years. Consent of the convicted person is one of the essential conditions. It reflects the will to carry out the punishment duly under the terms imposed by a court. Execution of the house arrest consisting of the obligation to stay in a certain dwelling for a period determined by the court.

The control is based on personal visits by the probation officer. As I mentioned above, the electronic monitoring is not still function. A trial run involving electronic bracelet, which must be worn all the time and which signalize breach of the obligation of staying in a certain dwelling, was already held. This issue is described in a separated chapter for its importance for the house arrest efficiency.

In the last chapter I compare different foreign jurisdictions where this type of punishment already exists and where the electronic monitoring is fully operative.

To conclude I find the house arrest punishment genuinely beneficial because of its positive influence on convicted's personality. In addition I also believe that the house arrest is the most effective instrument for resocialization of a convicted. From the 2015 when the electronic monitoring shall run, house arrest will become complete and beneficial method of punishment.