

Abstract

The aim of this thesis is to present a comprehensive view of a rather complicated issue of life imprisonment, mainly from legal perspective. It also deals with some psychological and sociological aspects which accompany long-term imprisonment.

Life imprisonment is the highest sanction which is regulated in the legal system of the Czech Republic. It is imposed only in case of enumerated crimes and on the conditions stated in the penal code. Life imprisonment has been the highest sanction in our legal system since the year 1990 when it replaced death penalty which is not in accordance with principles of a democratic legal state. Similarly to death penalty, life imprisonment also has many opponents and is connected with many problems and questions. The thesis tries to define some of these problems and to bring as many findings as possible, so that everybody can make their own opinion on this issue.

The thesis consists of seven chapters which are then divided into subchapters. After the brief introduction, there is the first chapter which covers the penalty as such. It delimits the term and purpose of the penalty, explains how the penalty is understood, what the terms individual and general prevention mean. The chapter also includes an interpretation of the penalty system.

The second chapter covers a general explanation of life imprisonment. There are described some basic principles which have to be respected while this penalty is imposed. The second part of this chapter is dedicated to life imprisonment in confrontation with fundamental human rights. The question if life imprisonment is in accordance with fundamental human rights is analysed there. As well as death penalty, also life imprisonment has many opponents who claim that this penalty is very cruel, inhumane and that it is in contradiction to fundamental human rights. It is labelled as a “social death penalty”. In this context there is also mentioned the proceeding in the European Court of Human Rights which stated that life imprisonment without any chance of release is unacceptable.

The following chapter relates to death penalty. This chapter is integrated in the thesis due to the fact that both death penalty and life imprisonment are the highest penalties which can be imposed and which are closely related. Life imprisonment is considered the most convenient alternative to death penalty which should not be a part of any legal system of any democratic state. The chapter deals with the history of death penalty in our territory, brings some information about the states which still have death penalty, it enumerates some arguments for and against death penalty. At the end of this chapter, there is a comparison of both these highest penalties and a reflection on the question if life imprisonment is a sufficient alternative to death penalty.

The fourth chapter looks into the development of life imprisonment in our territory in individual historic stages. This chapter also covers the history of death penalty and development of the perception of the penalty, which was at the beginning understood mainly as a revenge and retaliation.

In the main focal point of the thesis, there are the chapters five and six which contain a legal analysis of life imprisonment. The fifth chapter is aimed at current legal regulation of life imprisonment and the conditions for its imposing. One of the chapters refers to life imprisonment as a special reason of appeal; the other explains the impossibility of imposing this penalty to the minor. The sixth chapter is engaged in serving life imprisonment. This chapter includes not only a description of the legal regulation, but also some information about the places for serving life imprisonment, and there are also analysed some psychological and sociological consequences which are caused by a long-term imprisonment. Last but not least, there is included an interpretation of parole.

The last chapter of the thesis compares legal regulations of life imprisonment in some selected European states which have more experience with imposing life imprisonment and could become an inspiration for some possible future changes in our legal regulation.

The conclusion includes the evaluation of the findings about life imprisonment, some own opinions on regulation *de lege lata* and also some proposals *de lege ferenda*.