

Summary

House arrest punishment, its execution and control

The aim of this thesis is to summarize as fully as possible the treatment of house arrest both the substantive criminal law and procedural, conditions for the sentencing and its carrying out as well as the control of respect and subsequent consequences in case of violation of the punitive terms. The thesis is divided into twelve chapters, which are further divided into subchapters. The introduction is followed by a first chapter providing a theoretical introduction to the concept of punishment, its purpose and function. Determining firstly the purpose of punishment on the basis of three theories, I concluded with a detailed description of the purpose of punishment in accordance with Czech legislation.

The second chapter provides an overview of the system of penalties and includes a listing of punishments provided for by the Criminal Code. This chapter is divided into two subchapters focusing on the principles of punishment and the possibility of waiving punishment respectively.

The third chapter describes the alternative sentence. This chapter is divided into five subchapters starting with a description of the system of alternative measures followed by a definition of the concept of alternative sentencing. The third subchapter deals with the disadvantages of unconditional imprisonment counterbalanced with the justification of alternative sanctions in the fourth subchapter and concluding on the concept of secondary sanctions in the fifth and last subchapter.

A historical insight into the concept of house arrest is provided by the fourth chapter.

In the fifth chapter I have come to the core of the thesis - the concept of house arrest in the Czech legislation, which is dealt with in four subchapters. The first subchapter establishes conditions under which the imposition of a house arrest is possible. The individualization of these conditions of house arrest is then discussed in the second subchapter. The third defines the responsibilities of the offender. An empirical approach is adopted by the last subchapter on the basis of statistical data of crimes in the events of which house arrests are most commonly imposed.

Chapter six describes the possibility of conversion of the punishment of house arrest to unconditional imprisonment and its subchapters outline options of conversion from other punishments into house arrests.

The seventh chapter focuses on youthful punishment and punitive measures house arrest.

Chapter eight establishes the enforcement conditions of the sentence of house arrest and is divided into five subchapters. The first concerns the regulation of the sentence. The second describes non-compliant behaviors to the sentence. The third subchapter defines the delay and interruption of the sentence. The change of house arrest is described in the fourth subchapter and the fifth one specifies the abandonment of house arrest.

The control of the enforcement of the sentence of house arrest is described in chapter nine, which is divided into two subchapters. The first refers to random control procedures carried out by a probation officer and the other deals with the issue of electronic control system supplemented by an analysis of the current state of the electronic control system in our country.

The tenth chapter is devoted to the Probation and Mediation Service. Its two subchapters present respectively the institute of preliminary investigation and the acts of the probation officer in the follow-up phases to the house arrest sentencing.

A comparison the Czech and Slovak legislations on the matter of house arrest can be found in chapter eleven.

The final chapter is devoted to the advantages and disadvantages of house arrest and its subchapters summarize the proposals *de lege ferenda*.

These data indicate that the punitive institute of house arrest has its place in the catalog of punishments provided for by the Czech criminal law and the installation of electronic monitoring is an effective substitute for short unconditional imprisonment.