

## **Abstract**

The advanced Master's thesis called "A Critical Analysis of Protective Treatment and Protective Detention within the System of Protective Measures" looks into the legislation concerning protective treatment and protective detention in the framework of the Czech legislation on protective measures.

In the first two chapters an outline of the purpose and sense of protective measures is given along with their basic overview focusing on the basic principles and concepts which are closely linked to protective measures. At the same time, several problematic aspects are brought to attention following a description of the historical development of the legislation in the Czech Republic. A detailed analysis thereof is given in the following chapters.

In Chapters 3 and 4, which specifically deal with protective treatment and protective detention, the two concepts are submitted to critical analysis and defined within the system of penal sanctions. This is done in parallel so that a comparison can be made. For both concepts, the respective German and Austrian legislations are analyzed in detail and compared to the Czech legislation.

In this way, a critical analysis of the legislation on protective treatment and protective detention is performed primarily with respect to the whole decision-making process of the courts concerning imposing, suspending or extending of the duration of the two penal sanctions in question.

Individual deficiencies of the legislation are pointed out during the analysis. Following a comparison with corresponding German and Austrian legislations a synthesis of all acquired findings, a possible way to develop the Czech legislation is suggested and concrete changes are recommended to ensure constitutional conformity and application appropriateness in practical use, primarily in the work of courts of justice.