

Abstract

In the Western States, a pecuniary punishment represents a proven alternative to (un)conditional imprisonment. By joint effort of the Supreme Public Prosecutor's Office and the Supreme Court, the pecuniary punishment has become a trend over the last few years also in the Czech Republic. Why should criminal justice bodies strive for more frequent imposition of the pecuniary punishment? In which cases is the pecuniary punishment an appropriate criminal sanction? And how is, or rather should be, the pecuniary punishment imposed and enforced?

The submitted master's thesis draws attention to the obstacles of effective legal regulation and its inconsistent application. It deals with substantive and procedural aspects of the matter, relevant case law and statistical data. Conscious of the limits of comparisons in criminal law, the author also takes into account the law of Germany, Austria and the Netherlands.

The first part of the thesis deals with the pecuniary punishment in general. The diploma candidate describes its purpose, position in the system of criminal sanctions and basic characteristics. A closer look is taken at the new way to satisfy the injured person, which was introduced on 1 January 2018 by Act No. 59/2017 Sb., on the use of financial resources from proprietary criminal sanctions imposed in criminal proceedings.

In the next two parts, the author deals in detail with effective legal regulation. The thesis analyzes the assumptions of the imposition, the sentencing, the substitute imprisonment and the enforcement of the pecuniary punishment. Discussed is also the draft amendment to the Criminal Procedure Code and the Criminal Code which should significantly affect the contemporary regulation.

Finally, the author deals with the specifics of the pecuniary punishment imposed on legal persons and the pecuniary measure (with conditional delay of enforcement) imposed on juveniles.

The diploma candidate drafts a number of proposals for improvements that aim to direct the current legislation to a fairer sentencing and more effective enforcement of the pecuniary punishment.

The diploma thesis corresponds to the effective legal regulation on 1 January 2019.