

Protective treatment and security detention

Abstract

The topic of the diploma thesis is protective treatment and security detention. These are two criminal sanctions and protective measures, that may be used by state as a reaction to committed criminal offence or other offence. A penalty is not in some cases adequate sanction to committed criminal offence and that is the reason why we have protective measures – to protect society and to help to the offender. The protective treatment and the security detention are mutually connected sanctions. As well, the security detention is a protective measure that is subsidiary to the protective treatment. The diploma thesis is divided into five chapters. The first chapter deals with general legal regulations of protective measures. This chapter also contains comparison between penalties and protective measures. The second chapter discuss basic terms that are used in the criminal code to lay down conditions in which the protective treatment and the security detention may be imposed. The third and the fourth chapters are the main chapters in the diploma thesis. The third chapter and the fourth chapter deal with the protective treatment and the security detention itself. These chapters are for easier orientation and comparison of both protective measures arranged in a similar way. Both chapters contain general legal regulations of protective treatment and security detention. Subsequently, the chapters focus on legal regulations of their imposition that are contained in the criminal code, and then on duration and termination of the protective treatment and the security detention. These chapters also deal with the legal and practical execution of protective treatment and security detention. The protective treatment is a part of the Czech legal system since 1950, thus the third chapter contains legal evolution of this criminal sanction. Finally, the fifth chapter focuses on issues related to legal regulations of the protective treatment and the security detention. The aim of the diploma thesis is to give overall perspective on the legal regulations of the protective treatment and the security detention and also to expose weak spots of their legal regulation. The legal regulation of the protective treatment is particularly insufficient.

Key words

Protective treatment, Security detention, Protective measures