

Abstract

Alternatives to unconditional imprisonment

This diploma thesis deals with selected alternative punishments to imprisonment, namely conditional sentencing and conditional sentencing with supervision, house arrest, fines, community service, prohibition of activity and prohibition of entry to sports, cultural and other social events.

The author focuses on the current legal status of these sentences while also presenting a brief historical context of individual sentences and their gradual changes and amendments, including statistical data indicating the number of sentences imposed in the Czech Republic for a certain period.

The thesis aims to analyze the legal regulation of the most frequently imposed alternative punishments in the Czech Republic, to think about their positives, negatives and overall effectiveness. The work is divided into an introduction, 9 chapters and a conclusion.

The first part of the thesis focuses on clarifying the basic concepts, such as the purpose and function of punishment and acquaints the reader with various criminal theories and principles of sentencing.

The second chapter explains the principles of retributive and restorative justice, which are important for understanding the current efforts to emphasize the more frequent imposition of alternative punishments.

The third chapter explains the general concept of alternative punishments, gives a brief overview of their historical development, and above all calculates the particular reasons for the more widespread use of alternative punishments compared to unconditional imprisonment.

The fourth chapter deals specifically with conditional sentencing and conditional sentencing with supervision. It first describes the historical development of the sentence, then the current legislation concerning primarily the conditions under which this sentence can be imposed and the procedure for deciding on the certification.

The fifth chapter acquaints the reader with the issue of house arrest, including a detailed description of the operation of the electronic monitoring system to control convicts, which, however, was recently abolished.

The sixth chapter sets out the conditions for imposing a fine and enforcing it if it is not properly paid by the convict, as well as the court's procedure for its further conversion. There

is also a specific case from practice pointing to the unsuitability of the previous legislation on converting a fine into another alternative penalty.

The seventh chapter describes the punishment of community service, including a historical overview of criminal laws, in which the concept of forced labour as the beginning of the current punishment appeared. The chapter continues by explaining the conditions for imposing and executing the sentence, including the procedure for converting it.

The penultimate chapter deals with the punishment of disqualification and, as in the previous chapters, describes the historical introduction, the conditions for imposing and executing the sentence, as well as the preconditions for conditional waiver of the remainder of the sentence.

The last chapter, chapter nine, introduces the penalty of banning entry to sports, cultural and other social events, including the conditions for smoothing the conviction after its execution or, conversely, the possibility of subsequent criminal prosecution for the offence of obstructing an official decision and expulsion if the conditions are violated.

Finally, a summary of the whole work is given, and the achievement of the set goal is stated.