

Unconditional imprisonment

Abstract

This diploma thesis deals with unconditional imprisonment, a topic that has been discussed in the field of criminal law for a long time. Unconditional imprisonment represents the most serious interference with human rights and freedoms that can be legally imposed in the Czech legal sphere. At the same time unconditional imprisonment has a subsidiary nature, which means it can only be imposed as a punishment of last resort. As it is shown in practice, unconditional imprisonment is imposed very often in the Czech Republic, therefore the goal of this thesis is to provide a comprehensive summary of the given issue, including the identification of its problems alongside with providing suggestions of possible solutions.

The thesis is divided into five chapters, which gradually in complex fashion analyze the concept of unconditional imprisonment from both theoretical and practical point of view with the goal of providing a complete overview of the given issue. Theoretical basis of unconditional imprisonment is explained at the beginning of the thesis. That includes explanation of the term itself, its history, and the theories of punishment. Later in the thesis, the legislation regarding unconditional imprisonment is analyzed, which includes the domestic legislation as well as the international legislation together with the European legislation. After the examination of the principles of sentencing, analysis of the division of unconditional imprisonment into short-term and long-term sentences follows. In this part of the thesis benefits and handicaps of both types of unconditional imprisonment are analyzed. The execution of unconditional imprisonment from the place of execution, through its course of running to dealing with prisoners is explained in the key part of this diploma thesis, the fourth chapter. Different problems connected to the execution of unconditional imprisonment and possible solutions are identified in given parts of this chapter. The most important issues connected to prisons are explained in the last chapter of this thesis. This includes overcrowding of prisons and recidivism. Possible solutions are introduced once again.

Key words: unconditional imprisonment, prison, convicted person