

The main aim of my thesis is to develop an analysis of current legislation governing alternative sentences, their possibilities and limits comparing it with other European Union countries. The thesis also examines the proposals de lege ferenda that could be used as a benchmark and a guide for future amendments to the current regulation.

The notion of alternative sentencing became a global trend in the last two to three decades; this is the result of, inter alia, of continuous increase in the number of inmates, prison overcrowding and congestion of the judicial apparatus.

Crescent crime and new forms of crime (especially economic) hit the Czech Republic as a former socialist country in the post-revolutionary times, very assertive. The results of studies and language experts warn against lax approach in the form of increased storage imprisonment and criminal policy tightening. There is also talk about crisis imprisonment.

It is clear that an unconditional sentence of imprisonment has its benefits, such as preventive effect, in my opinion, however, the left especially serious crime offenders and recidivist behavior: "Nesit summum malum dolor, malum certe est." Instead of intramural prison environment with significant social and deviant subculture find great potential in alternative prison sentences, which are free from the aftermath of the effect prisonisation (difficult process of rehabilitation of offenders) do not have a devastating effect on the personality of the offender, do not destroy his family and social relationships or work and relieves the state fisk while fulfilling the purpose of punishment.

To adopt successful alternative sentencing, which would reduce prison overcrowding, the cost of operating prisons and courts system and trust in these new ways is need of exact legislative base especially in the area of substantive law . Here I would like to express mild doubt. Although the Czech legislator remains with the development of this area, extrovert and responds to new global trends enrichment of proven record, we find the kind of legislation, numerous legislative oxymorons.I have some proposals de lege ferenda with which I was confronted while studying the issue and its sources. You can include for example the following:

Before stating house arrest force would embark on German and Swiss lawmakers who took advantage of time, and in pilot projects unveiled the hardship as the issue of very effective house arrest hinders their successful application, as happened in this country. Furthermore, extended series of erudite probation officers supervising persons sentenced under house arrest and their technical background. Of course there is the selection of monitoring equipment that is in my opinion, Alpha Omega of the house arrest.