

Adequacy of penal sanction: Comparison of punishing traffic criminal offences and decumbent traffic administrative offences committed under influence of addictive substances in Czech and Slovak republic.

Master's Thesis

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Summary.

This thesis makes survey on a punishing adequacy of traffic offences committed under influence of alcohol and the other addictive substances.

The theoretical basis, that knowledge is necessary prerequisite for reviewing punishing adequacy, like theories of punishment, purpose of punishment and a principle of adequacy, are in the theoretical part of the thesis. In the special part of the thesis is comparison of valid and effective law in the Czech and Slovak Republic. The practical part of the thesis is composed of an analysis of decisions delivered by the County Traffic Inspectorate Banská Bystrica, County Traffic Inspectorate Bratislava I., Banská Bystrica County Court, Bratislava I. County Court, City Hall of Zlín, City Hall of Prague, Zlín County Court and the Prague 2 Circuit Court. The analysis is composed not only of punishment adequacy review, but also of the all substantive and procedural deficiencies, that occurred in the decisions of particular state's body. At the end is provided comparison of analysis outcomes, which stemmed from decisions of national administrative bodies and courts. The comparison of Slovak and Czech punishing enterily is there too.

The outcome of the punishment adequacy analysis is the discovery that in the Slovak republic reviewed traffic administrative offences (torts) are punished more severely than decumbent criminal offences. In the Czech Republic is the discovery valid as well, but in a smaller amount, whereby for inadequacy of punishments is rather responsible lawgiver, than administrative bodies. Except the main discovery, the analysis discovered several other systematic deficiencies, which are severe of nature. The general discovery is this: the enforcing of criminal responsibility is rather against the law, than in compliance with it.