

ABSTRACT – PROTECTIVE THERAPY AND PREVENTIVE DETENTION

This paper is concerning two types of protective measures in Czech criminal law – protective therapy and preventive detention. The goal was to introduce and then deeply analyze these two legal institutes. I particularly focused on preventive detention as it was only recently put in force in the Czech republic.

In the introductory chapter, I briefly described the nature of protective measures as a whole. I also outlined some major differences between protective measures and penalties, gave some insight into the history of protective measures in Czech lands and explained a few important terms, e.g. insanity or drug addiction, which are widely used in this area of law.

The following chapter deals with protective therapy and its key features, namely its imposing, execution and duration. The next one summarizes basic elements of preventive detention, which are in many ways similar to those in the previous chapter. I tried to point out the grounds on which preventive detention was embraced by Czech law and also to analyze the differences between both these protective measures. In this thesis I included some major court decisions with paramount importance and I also have done a short comparison of statutes governing preventive detention in a few foreign European countries.

Fourth chapter is focused on transitions between protective treatment and preventive detention and on legal conditions on which those transitions depend. Chapter five deals with granting of protective measures to adolescents and children under the age of fifteen. Juvenile offenders need special approach.

I had an opportunity to visit a preventive detention facility in Brno, where I talked to a few experts and had a tour through the whole facility, therefore had a chance to see preventive detention in reality. I covered some interesting facts from this experience in the last chapter of my thesis.

In the conclusion of this paper I highlighted certain issues of law which should be dealt with in order to improve current situation concerning protective measures. I tried to weigh the importance of both these protective measures.