

ABSTRACT

The aim of this diploma thesis is to provide varied informations relating to life imprisonment sentence and to penetrate into the issue of the life imprisonment, not only from the legal aspects, but also from philosophical, criminological, psychological and social aspects.

The penalty of a life imprisonment is the toughest possible criminal penalty in the legislation of the Czech Republic. It replaced the death penalty, which was abolished in 1990, in accordance with the principles of the democratic rule of law having respect for basic human rights. It is an extraordinary punishment, imposed only for the most serious crimes. But as the death penalty, the life imprisonment is a sentence with a number of problems. In seven chapters of this thesis I will try to define these problems.

Chapter One contains the necessary interpretation of the concept of punishment, its purpose and describes the system of penalties. Innermost purpose of life sentence is the isolation of the offender from a society and thus preventing recidivism. Due to most felt injury life sentence causes, fulfill the retaliation claim and demand of deterrence. However, despite the significant barrier function of this sentence, there is an educational function of punishment too, because the possibility of conditional release expected the possibility of redress of convict and thus its subsequent reintegration into society.

Due to the fact that a life sentence is considered as an alternative to the death penalty, the Chapter Two deals with the situation and development of the death penalty in the world and the situation in the Czech Republic. Furthermore, there are analysed the negatives and positives of these two types of sentences in order to answer the question which of these sentences is able to provide the effective protection of a society with respect to fundamental human rights and principles of sentencing. This chapter also deals with the general characteristic of life sentence and the general interpretation of what facts makes it an exceptional sentence.

The following chapter describes the development of legislation in the Czechoslovakia and the Czech Republic. Opinions on for committing what crimes is appropriate life sentence or death penalty developed. Even the concept of a life

sentence changed. This chapter attempts to capture the most significant changes in the legislation.

The centre of this work is the assessment of the existing legislation, which is contained in Chapters Four to Six. There are described conditions under which you can get a life sentence, a review of the judgment imposing this sentence, the conditional release and execution of the life imprisonment. Due to the negative consequences caused by long-term performance of the imprisonment is, at the end of Chapter six, the analysis of diverse effects of the long-term imprisonment.

The last chapter is concerned with foreign legislations . The reason for this research is that another states often have more experiences with the life sentence and their legislation offer suggestions for changes of our legislation.

The conclusion contains besides the general evaluation findings, also topics de lege ferenda. After evaluating all aspects of the life imprisonment, is stated that it represents an effective alternative to the death penalty, it is an irreplaceable punishment and in the case of the most serious crimes an adequate punishment in accordance with human rights.