

The proportionality of punishment with regard to the wealth of an offender

Master's Thesis

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Summary

This thesis's main question is whether or not pecuniary punishments should be proportionate to the wealth of an offender. In the beginning the philosophical aspects and opinions of Law and Economics are examined. Jurisprudence of Czech Constitutional Court is discussed as administrative and penal law with their respective jurisdictions, Supreme Court, Supreme Administrative Court and Constitutional Court. Private and supranational law is also considered.

The practical part of the thesis is composed of an analysis of the way how are pecuniary punishments in the form of day fines set at two Czech courts. The outcome is that the concept of day fines is not applied in the Czech Republic and is not accepted by the judges. Even though richer offenders get higher sentences than the poorer ones, in proportion to the punishment the richer receive much lesser sentence.

To sum-up the findings, it is not possible today to give a unequivocal answer to the key question, whether pecuniary punishment should be proportionate to the wealth of an offender. It is possible in several areas of law, as it is possible to often choose, whether or not it is effective. General and abstract question however has to be left unanswered.