

Home confinement

Abstract

The inexorable rise of inmates, coupled with disappointingly high rate of recurrence of crime, has refocused attention on finding alternatives to imprisonment regarding criminal sanctions permitted by the new Penal Code of the Czech Republic which came into force on 1 January 2010. This thesis was aimed at dealing with a comprehensive analysis of home confinement. The application of legal doctrine is of fundamental relevance to house arrest related to *de lege lata* and *de lege ferenda* provisions.

The concept of home confinement as an alternative to criminal incarceration to provide inmates the opportunity and privilege of living at home is associated with the principles of punishment and reducing overcrowding at the jail. This sanction, however, has not yet anchored in the context of penal sanctions. The main reason is the failure to optimally connect real legislation, application practice, the state's interest and a well-functioning infrastructure. The current *de lege lata* editing in the context of the application practice is considered to be in conformity with advanced foreign legal systems. Nevertheless, we must insist on the fact that currently our situation is far from reaching the desirable legislative stability related to house arrest, despite the current valid legislation certainly has many positive features. Electronic monitoring (EM) constitutes a major weakness of this penal sanction because of failing through repeated attempts so far to put it into practice, therefore the rate of imposing of house arrest is low and the control is largely based on probation services. However, despite positive claims, to date, EM has not been conclusively designated to be cost efficient or to promote public safety. The link between the combination of EM, the beneficial effects of probation officers and penitentiary care as tools for reducing crime related to house arrest should be widely investigated. There are areas where the improvement of today's legal framework is feasible and necessary regarding a rounded perspective on the relevant principles and problems of sentencing based on *de lege ferenda* suggestions. In conclusion, examples of offenses that could warrant house arrest include minor crimes and should be prepared by the prosecutor, judge, probation officers, including perpetrators and victims being "virtually tailor-made". Furthermore, evaluation of house arrest and fully functional electronic surveillance affirm a few impressions of how the particular program meets all expectations and hopes.