

Punishment of Recidivism

Abstract

This diploma thesis deals with the topic of criminal recidivism which is a global problem, the solution of which should be one of the goals of the state's criminal justice system and at the same time it is a measure of its success rate. The frequency of recidivism to some extent reflects the effectiveness of criminal sanctions, the effectiveness of their enforcement, but also social influences such as the demographic distribution of the population or social inequality. Recidivism is a problem that cannot be definitively solved but it is possible to approach the ideal of its punishment, and thus the effective fight against repeated offenses by recidivizing criminals.

Recidivism can be viewed from the perspective of many scientific disciplines. This work aims to describe recidivism in the eyes of criminal law. It depicts the legal instruments that serve to punish recidivists more severely, the conditions of their application and their impact on the type and amount of punishment. Although the aim of the thesis is to map especially effective law, recidivism is also approached in its historical context as this aspect is key to understanding older case law. The domestic legislation is also partially compared with foreign legislation which can be a useful inspiration for optimizing our system of punishment of recidivism.

Penology views recidivism purely as the repeated execution of a custodial sentence. The thesis analyzes how recidivism affects the placement in the certain type of prison or what effect it has on conditional release. It also presents a relatively young diagnostic tool called SARPO, which was developed by the Prison Service of the Czech Republic. Its output is a comprehensive report which is attached as an appendix to this work. This system could be extended in the future and its outputs available to judges for parole decisions. There is also room for improvement in the area of special recidivism, which can be inspired, for example, by French legislation.

Key words: recidivism, punishment, law