

Alternative punishments

Abstract

This careful study is devoted to the issue of imposing alternative punishments in the Czech criminal justice system, in particular the imposition of house arrest. The aim of this work is to analyze the imposition of proposed alternative punishments in the Czech Republic and also to describe the current state punishment system. When examining the sentence of house arrest, I focus mainly on the performance of its control (electronic monitoring).

The work is divided into six separate chapters. The first chapter is a theoretical introduction to the given issue and in it I discuss the definition of punishment, its purpose, systematics and principles of its imposition. The second chapter analyzes the starting points of alternative punishment and the principle functions of restorative justice, probation and mediation. In the third chapter, I focus on the development of regulation in legal punishment in the Czech Republic, especially with regard to alternative punishments. I mainly analyze the legislation since the adoption of the Criminal Code of 2009, including subsequent amendments. In the fourth chapter, I pay attention to the statistical development of imposed sentences in the Czech Republic. I present the statistics of all persons sentenced to house arrest and other alternative punishments. The fifth chapter focuses on the punishment of house arrest. I mention the conditions of its storage, the method of its performance and control and analyze its advantages and disadvantages. The sixth chapter deals with research regarding the execution of the sentence of house arrest in practice from the perspective of the probation and mediation service. From interviews with probation and mediation service workers in the Central Bohemian region, I analyzed the frequency of house arrest sentences, experiences with electronic monitoring, in addition to the typology of offenders and their criminal activities.

When undertaking this rigorous work, I used the method of critical and comparative analysis of professional literature in the field of substantive criminal law, procedural law and penology. As part of the analysis, descriptive and deductive methods were also applied. Additionally I drew further knowledge from professional articles, contributions in anthologies, criminal legislation and jurisprudence.

Key words: alternative punishments, imposition of punishments, house arrest, electronic monitoring, probation and mediation service.