

Abstract

The rigorous thesis is focused on the analysis of the subject of conditional sentencing legislation, which represents the pillar of punishing offenders. Conditional sentencing is the most used punishment to date. It is indisputable that conditional sentencing will continue to be used in years to come.

The aim of this rigorous thesis is to evaluate effective legal regulation, which also significantly evolves in the time of writing of the thesis. The amendment declares the irreplaceable role of this punishment, although the basis of the conditional sentence is unchangeable. Another aim is connection of theory and practice and to detect difficulties of legal regulation.

In the introduction, the author deals with the evolution of conditional sentencing, but the main components are within chapters three and four which are dedicated to conditional sentencing and conditional sentencing with supervision. In these chapters, the author pulls examples from her experience from practice within the system, to demonstrate the faults within the legal regulation.

For example, the question of summoning the convicted person to a public hearing, the delivery of ruling, the perception of a proper life, the probation period, the running of a probationary period during the imprisonment and the frequency of consultations with a probation officer. The next chapter expands upon the previous parts and refers to the conditional sentence imposed on a juvenile offender. An integral part of this thesis is also a comparison with foreign legal regulations of conditional sentencing. The author compares the Czech legislation with the Slovak and German legislation, while collating their positive and negative aspects. Attention is focused on possible developments within those laws to apply amendments within czech criminal regulations. In the entire rigorous thesis the author mentions shortcomings of the legal regulation and related complications in practice. For these reasons, the thesis is complemented by numerous *de lege ferenda* proposals, which have the potential to facilitate the application of legal regulations.

At the end of the thesis, the statistical data indicating the frequency of suspended sentences are given, which led the author to think about the future effectiveness of this sentence. The author also contemplated new institutes related to conditional sentence, which were incorporated into the Criminal Code by an amendment in 2021 – such as cancellation of supervision and proportionate obligations and proportionate restrictions, the obligation to stay

for a specified period of time in a specified dwelling or part of it. However, these considerations are on the theoretical level, because currently it is still too early for their detailed analysis.