

The imposition of penalties on the concurrence of crimes and recidivism

Abstract

This final thesis deals with the imposition of penalties on the concurrence of crimes, recidivism and related quasi-recidivism. The aim of the thesis is to comprehensively analyse the current legal regulation on the basis of an analysis of the statutory regulation, the related case law and professional publications, and to supplement this analysis with the own considerations and *de lege ferenda* proposals of the author of this thesis. Furthermore, the Czech legal regulation is compared with the Italian legal regulation, which demonstrates a different approach to punishing concurrence and recidivism.

The thesis has been written using the descriptive, analytical, synthetic and interpretative methods, especially linguistic and teleological interpretation. The comparative method was also used, in particular for comparing the Czech and Italian legal regulations.

Structurally, the thesis is divided into four chapters. The first chapter of the thesis deals with the definition of the terms concurrence of crimes, recidivism, and also quasi-recidivism, while pointing out selected issues, which occur while distinguishing these forms of multiple offences. The second chapter of the thesis analyses the legal regulation regarding the imposition of penalties in the case of concurrence of crimes, in particular the assessment of concurrence as an aggravating circumstance and the imposition of aggregate and summary sentences, including the specification of the problematic aspects of the legal regulation of imposing penalties on concurrence. The third chapter of the thesis deals with the analysis of the legal regulation regarding the imposition of penalties in case of the recidivism, in particular with the assessment of recidivism as an aggravating circumstance, and as a reason for an extraordinary increase in the prison sentence, and with assessing the impact of recidivism on the execution of a prison sentence, also while specifying the problematic aspects of this legal regulation. The second and third chapters of the thesis also contain a comparison of the selected relevant institutes of the Czech and Italian legal regulations. The fourth chapter complements the analysed topic with an analysis of the legal regulation of the imposition of penalties in case of the false recidivism.

Key words: concurrence, recidivism, penalty