

Abstract

Alternatives to unconditional sentence of imprisonment

This thesis examines selected alternative punishments to imprisonment. In particular, it focuses on home arrest (including electronic monitoring), community service and fines, in the context of the Czech and Dutch legislation.

The first chapter describes the concept and purpose of punishment, while the first subchapter introduces the different concepts of punishment and the second subchapter presents the different theories of punishment, the purpose of punishment and its use in the legal system of the Czech Republic.

The next three chapters are devoted to restorative justice, probation and mediation and finally to the concept of alternative punishment in general.

Chapter five focuses on the regulation of alternative sentencing in the Czech Republic. It is divided into six subchapters, where, after a general introduction and introduction of an important amendment to the Criminal Code. The following three subchapters cover the punishment of house arrest, community service and fine. These subchapters are then divided into the historical development of the punishment in question, its characteristics and definition, the imposition of the punishment in question and the imposition of adequate duties and restrictions, the conversion of the punishment in question into another punishment, the execution of the punishment and, finally, a summary of the regulation of the punishment in question. In the case of the sentence of house arrest, although there is no section on the conditions of imprisonment due to the fact that this issue is already covered in the subchapter on the imposition of house arrest, there is an additional chapter on electronic monitoring as an essential area of concern in the context of the sentence of house arrest. In the last subchapter of chapter five, the remaining alternative non-custodial sentences are then briefly described to complete the subject in matter.

Chapter six contains a description of the regulation of alternative sentences in the Netherlands, focusing on the regulation of electronic monitoring, community service and fines. After a general introduction to the regulation of sentencing in the Netherlands, the next three subchapters focus on the regulation of electronic monitoring, community service and fines with each subchapter including a summary of the regulation.

Chapter eight then compares the Czech Republic and the Netherlands regarding house arrest and electronic monitoring, community service and fines. The chapter entitled Proposals de lege

ferenda outlines possible modifications to the Czech legal system inspired by the Dutch legislation.