

House arrest punishment, its execution and control

Abstract

This diploma thesis deals with the punishment of house arrest as an alternative to imprisonment and its enforcement and control. Its main objective is a comprehensive analysis of the effective legislation. A sub-objective is to take a closer look at the control of the execution of the sentence of house arrest, to explain the essence of electronic monitoring and, among other things, to try to find out what has caused this punishment to be imposed relatively infrequently despite the active operation of the electronic monitoring system. Last but not least, the author attempts to evaluate the current legislation and present solutions to the identified problems. In addition, he provides insights into house arrest in selected foreign jurisdictions.

The structure of the thesis is divided into six chapters, apart from the introduction and conclusion. First, some terms that are closely related to the punishment of house arrest are defined, namely the concept of punishment and its purpose, the system of punishment and alternative punishments. The next section provides a brief outlook on the history of house arrest sentencing and monitoring, with increased attention to the history of electronic monitoring. The next part thoroughly discusses the legal regulation of the punishment of house arrest, with the interpretation focusing on the assessment of this punishment, the conditions of its imposition, its own basis, the system of alternative imprisonment, as well as the criminal measure of house arrest imposed on juveniles. There is also a discussion of the enforcement of the sentence of house arrest and its control. The thesis discusses the electronic control system in more detail and, looking at statistics, describes the past and possible future development of the punishment of house arrest and its control. The final part deals with the legal regulation of house arrest abroad, namely in Slovakia and Austria.

In order to achieve the set aims, the descriptive, analytical, or analytical-synthetic, and partly comparative methods were used in the composing of this thesis. The interpretation is based on legal regulations, textbook and commentary literature. It is drawn from a range of scholarly articles and internet sources. These sources are supplemented by explanatory notes to the laws, relevant case law, statistical data and scientific studies. In addition to domestic sources, foreign language sources also appear in some chapters. In some parts, the author attempts to enrich the work with his experience and knowledge gained during his internships at courts, prosecutors' office and the Probation and Mediation Service.