

Příloha k rigorózní práci „Abstract“

Title: Alternative punishments in criminal law - purpose and use in praxis
Topic: Criminal law
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Abstract

This rigorous thesis deals with the topic of alternative punishments and their use within the penal system of criminal law. Alternative punishments are generally defined as punishments (criminal sanctions) that are alternatives to the custodial sentence (unconditional imprisonment) served in prison. The fundamental attribute of alternative punishments is therefore the fact that the application of alternative punishments does not involve the offender's removal from the society and their isolation in prison. The subject matter concerning alternative punishments within the domain of criminal law has garnered increasing significance in recent years. This surge in interest is attributed to the augmented focus on punitive measures, namely criminal sanctions, that do not necessitate immediate imprisonment. In fact, the main benefits of alternative punishments include the elimination of the negative effects related to imprisonment, the reduction of financial costs associated with imprisonment and supporting the use of prison capacities for offenders who committed the most serious crimes.

The main objective of this rigorous thesis is to provide a comprehensive overview of the legal regulation of alternative punishments, including an analysis of the development of their use. Furthermore, this rigorous thesis provided a descriptive analysis of the legal framework and the usage of alternative punishments in Norway. Norway is internationally renowned for its progressive and innovative approach to criminal justice. Central to this approach is the implementation of alternative punishments, a system that has gained global recognition for its effectiveness in reducing recidivism rates and promoting offender rehabilitation.

The rigorous thesis is systematically structured into six chapters. The first chapter introduces the foundational theoretical principles that paved the way for the inception and evolution of alternative sentences. The second chapter provides a general overview of alternative sentences as legal institutions, with a focus on their definition, essence, and the underlying purposes for their incorporation into criminal law. The third chapter conducts a thorough analysis of individual alternative sentences, particularly delineating their definitions

and explicating the legal provisions *de lege lata*. The fourth chapter addresses the practical aspects, examining contemporary issues related to the utilization of alternative sentences within the context of criminal policy. It includes an extensive statistical analysis of the frequency of individual alternative sentences, with special attention given to recent trends. The fifth chapter is dedicated to describing and subsequently comparing the regulation of alternative sentences in Norway. Despite substantial variations in legal environments and pronounced differences in the application of restorative justice elements, it is discernible that this framework has served as a long-standing, well-functioning foreign model, bearing significant potential for contributions. In certain respects, it is not inconceivable that it may serve as a source of inspiration for future legal amendments, not only in the context of alternative sentences, but also in alternative approaches within criminal law as a whole. The sixth and final chapter offers a critical evaluation of the existing legal framework governing alternative sentences and contemplates partial optimizations that would primarily lead to a simpler, more effective, and more frequent application of alternative sentences in practice.

In conclusion, the current legal framework of alternative punishments in the Czech Republic was critically examined and assessed. From the obtained findings, it is concluded that the legal framework of alternative punishments in the Czech Republic is sufficient and represents a solid legal background for the use of alternative punishments in praxis. As such, alternative punishments are being used in praxis, with the most frequent being a suspended sentence (suspended imprisonment). In recent years, there has also been a significant increase in the use of financial penalty. On the other hand, the use of home detention remains rather marginal and this particular alternative punishment has not fulfilled its full potential. However, despite a good rate of usage of alternative punishments, the Czech Republic still has a high per capita prison population and a high rate of recidivism. The author of this rigorous thesis additionally presented possible ideas for partial optimization of the legal framework or usage of the alternative punishments in the Czech Republic. Some of the presented ideas were partly inspired by the legal framework and praxis in Norway.

Rigorous thesis corresponds to the legal status effective as of October 1st, 2022.

Key words: Punishment in criminal law, Alternatives to unconditional sentence of imprisonment, Alternative punishments