

Punishment of disqualification and its control

Abstract

The topic of the thesis is the punishment of the disqualification and its control. The main goal is to analyse the punishment of disqualification and its control in the Czech legislation and to focus on possible deficiencies but also on possibilities of correction or other legal solutions. The thesis is fact-based from the beginning with specific examples from case law to illustrate the breadth of the topic. The text of this thesis is divided into six chapters. In the conclusion I summarise the findings of the whole thesis and suggest possible solutions to the problems.

The first chapter deals with the topic of punishment in general and is divided into five subchapters. The first subchapter deals with the history of punishment in general. The second subchapter is devoted to the purpose of punishment as such. The third subchapter deals with the system of punishments in Czech legislation and the fourth subchapter deals with the possible classification of punishment. The last fifth subchapter deals with the concept of alternative punishments, which defines what constitutes an alternative punishment. Alternative punishments are associated with the performance of the Probation and Mediation Service of the Czech Republic. It is an important institution that assumes the role of supervision, control and prevention.

The second chapter covers the topic of historical development of punishment of disqualification. The third and most comprehensive chapter deals with the topic of this thesis and that is punishment of disqualification. It is divided into four subchapters. The first subchapter deals with the scope of this punishment, i.e. the range of activities that may be prohibited - employment, occupation, function, activity requiring a special permit and activity regulated by a special regulation. The second subchapter deals with the subjects on which the penalty of prohibition of activity may be imposed. The conditions for the imposition of this punishment can be found in the third subchapter. The fourth and final subchapter deals with the measurement of this penalty. The entire chapter is complemented by extensive case law.

The fourth chapter of this thesis deals with the execution of this penalty and its subsequent control. It contains one subchapter on conditional remission of the execution of the sentence.

The fifth chapter deals with with a comparison of legal regulations. Specifically, the chapter is devoted to a comparison of the legislation of the Federal Republic of Germany and the Slovak Republic.

The sixth and final chapter contains innovations in criminal law, namely the relatively new penalty of prohibition of keeping and breeding animals and the newly introduced therapeutic programme for motor vehicle drivers.