

# **Punishment of disqualification and its control**

## **Abstract**

The topic of this diploma thesis is the punishment of the disqualification and its control. The punishment of the disqualification is an important institution in Czech criminal law serving to protect society and has long been an effective tool in the fight against crime. The aim of this diploma thesis is to introduce the issue of the punishment of the disqualification in Czech criminal law and to point out the imperfections and pitfalls associated with the application of this punishment in the application practice. The diploma thesis is divided into ten chapters.

The first chapter explains the concept and purpose of the punishment, followed by the system and classification of punishment in Czech criminal law and alternative punishments. The second chapter presents a general introduction to the issue of the punishment of the disqualification, explains the concept, purpose and position of the punishment of the disqualification and presents some statistics on its imposition.

The third chapter is devoted to the conditions for imposing the punishment of the disqualification and its level. It covers the condition of the link between the offence and the disqualified activity, the punishment of the disqualification as a separate punishment, the type and scope of the disqualified activity and the different categories of disqualified activities.

The fourth chapter mentions the specifics and derogations in the case of the punishment of the disqualification imposed on legal persons. The fifth chapter covers the specifics and derogations in the case of the punishment of the disqualification imposed on juvenile offenders.

The sixth chapter deals with the execution of the punishment of the disqualification, conditional remission of the execution of the remainder of the punishment of the disqualification and the extinguishment of the conviction. In Chapter Seven, I mention the issue of supervision of the execution of the punishment of the disqualification and its shortcomings.

The eighth chapter is devoted to the offence of obstructing the execution of an official decision and banishment, which can be committed by an offender who does not respect the the punishment of the disqualification and carries out the disqualified activity.

The ninth chapter deals with the administrative punishment of the disqualification and its differences from the punishment of the disqualification in criminal law. In the tenth chapter I reflect on the changes in the legislation and try to outline *de lege ferenda* considerations.

**Key words:**

punishment, alternative punishments, disqualification