

Résumé

The task of criminal law in every democratic state is to protect society against criminality. In order to perform this task criminal law has at its disposal resources which represent criminal sanctions. Amongst these sanctions a unique place is occupied by the unconditional imprisonment, which is what this thesis is concerned with.

Ever increasing criminality, which is affecting most states, is provoking discussions on the effectiveness of punishment, its methods, and the commensurateness of punishments. The Czech Republic is far from being the only country forced to resolve problems associated with a growing prison population and the increased costs of the prison system.

Unconditional imprisonment is a universal and basic punishment in the Czech Republic. It has a long tradition and a fixed place in the legal awareness of society. It is the strictest punishment and represents an extraordinarily serious intervention into the sphere of the human rights and freedoms of the individual. The enforcement of unconditional imprisonment is accompanied by a host of negative consequences, such as the interruption of social links, adaptation to prison culture and a problematic return of a convicted person into society. Furthermore, we should not forget the economic aspect, since the enforcement of a prison sentence requires considerable financial, material and other outlays. For this reason unconditional imprisonment is more and more frequently being replaced by alternative punishments which are more admissible for society. Nevertheless, its significance as a punishment is undisputed. It is an irreplaceable punishment in the case of disturbed offenders of serious criminal acts, offenders who, were they to remain at large, would represent a threat of further criminal acts being committed and a damaging effect on other citizens, and in the case of whom their time in a corrective institution is a condition for their re-socialisation.

The introduction of this thesis examines the historical development of unconditional imprisonment, with special attention given to the development of the prison service, knowledge of which is crucial to understanding the current arrangement of the prison system. After this historical sketch the next chapter discusses the concept of punishment, its purpose and individual theories of punishment. The most extensive section of the thesis is concerned with the valid legal arrangement of unconditional imprisonment and its execution. This is a pivotal part of the theses and is examined in

more detail. The last chapter looks at alternative punishments, which in many cases could very appropriately be used in place of unconditional imprisonment. While this thesis was being written a new Criminal Code was passed, and so each chapter relating to valid legislation contains a brief summary of the most fundamental changes.