

# **Current issues of a pecuniary punishment**

## **Abstract**

This diploma thesis deals with the issue of a pecuniary punishment in the Czech criminal law with focus on its substantive and procedural law and its legislation which has been significantly changed in recent years but its also focuses on the impact of legislative and non-legislative changes on the development of the number of the pecuniary punishments and presents several changes to the legislation.

The first part of the diploma thesis is about the history of the pecuniary punishment which will help to understand the development of legislation and understanding of the meaning of the pecuniary punishment. This is followed by an analysis of the basic concepts of the purpose of punishment and a comparison of the old and new legislation. The third part of the diploma thesis provides a basic information into the issue of the pecuniary punishment and the author here think about the sanction of the offender's property benefit through the pecuniary punishment. The fourth part is devoted to substantive law. It analyses the legal conditions for imposing the pecuniary punishment, the daily-fine system and the performance of the pecuniary punishment. In the fifth part, the diploma thesis analyses the procedural regulation of the pecuniary punishment. It focuses on the methods of performance of the pecuniary punishment, problematic aspects of its enforcement and changes brought about by the Act No. 349/2023 Coll. The sixth part shows the development of the trend in the imposition of the pecuniary punishment with a focus on the period after applicability of Act No. 40/2009 Coll. The data from these developments serve as a measure of the correctness of legislative and non-legislative changes that affect the number of the pecuniary punishment imposed. In the last part, the diploma thesis presents proposals for several changes to the legislation based on the identified problems. The proposed changes should help to increase the number of the pecuniary punishment imposed, as well as its consistency and equality between courts and offenders.

This thesis not only provides a comprehensive analysis of the substantive and procedural law of the pecuniary punishment but also analyses its problems and offers concrete ways to fix these problems.

### **Keywords:**

pecuniary punishment, day fine, performance of the pecuniary punishment