

Summary: Current Aspects of Criminal Punishment of Youth

The subject of juvenile delinquency and criminal offenses committed by children under 15 years of age constitutes a serious issue for the entire society, where an effective solution requires a specific approach and knowledge on the part of all those who deal with this subject. Given my considerable interest in this subject and my intentions to work in this area in the future, I have chosen the Current Aspects of Criminal Punishment of Youth as a topic of my rigorous thesis, with the aim of thoroughly summarizing the substantive aspects of this subject, pointing out the problems existing in this area and indicating the possible solutions.

Following the introduction, the rigorous thesis is divided into 5 chapters, each of which contains a detailed analysis of a certain part of the subject of criminal punishment of youth. For easier reference, all chapters are divided into subchapters and, in some cases, into further sections. The thesis concludes with the final summary of my opinions on the current aspects and issues of criminal punishment of youth and my proposals for future legal regulation. In cases where I considered it appropriate, I included tables and charts which provide a certain illustration of the more detailed analysis contained in the text.

In the introduction, I included the chapter entitled Analysis of Youth Crime, which deals with youth crime in general, its characteristic features, causes, structure and recent developments. Indeed, I believe that, in order to obtain better understanding of the goal sought by different punishment of these persons, it is first necessary to learn about the criminological aspects of crime committed by youth, as it is the field of criminology which deals with the specific aspects of youth crime and the effects leading to its increase or decrease, and thus provides an answer to the question why youth requires special regulation.

The next chapter, entitled Legal Regulation of Punishment of Youth, describes the legislative history of youth justice in the Czech Republic and discusses, in more detail, the Criminal Youth Justice Act of 1931, which provides a substantial basis for the current regulation. The reasons for and circumstances of adoption of the new law are also discussed, together with the basic principles on which youth criminal law is based and which affect the wording of the law.

The third, most important chapter of the thesis is entitled Measures Imposed on Juveniles and deals with their criminal punishment. This part of the thesis is divided into three subchapters, dealing with educational, protective and punitive measures; the individual subchapters discuss all types of these measures. The purpose, character, possibility of imposing and problems related to application are described with respect to each measure. Where certain problems have occurred or occur in relation to a specific measure, I strived to express my opinion on the problems in the relevant chapter.

The fourth chapter, entitled Deviations in Criminal Proceedings against Juveniles, describes the procedural instruments of conditional discontinuation of criminal proceedings, settlement and waiver of criminal proceedings. Although my thesis concentrates particularly on substantive law, I decided to include this chapter particularly due to its close interconnection with substantive law and also because I am convinced that application of one of the mentioned instruments could often contribute to fulfillment of the purpose and objectives of the Youth Justice Act.

The last chapter, entitled Punishment of Children under 15 Years of Age and Insane Juveniles, deals with individual measures imposed on these offenders, the prerequisites of their imposing and the related problems, particularly from the viewpoint of the Probation and Mediation Service.

My opinions, which I reached on the basis of the findings obtained from the legislation, professional literature, as well as consultations with experts who apply the Youth Justice Act in practice, are summarized in conclusion of the thesis, entitled Evaluation of the Regulation *de Lege Lata* and Considerations *de Lege Ferenda*. Within this evaluation, I deal, *inter alia*, with the issue of lowering the age limit for criminal liability to 14 years, as envisaged by the new Criminal Code, which, in my opinion, does not correspond to the criminological findings or the findings and experience of probation officers and judges in relation to measures imposed on juveniles and the potential reflecting of these findings in the legislation.

Key words:

Mladiství: Juveniles

Mládež: Youth

Trestní postih: Criminal Punishment