

Abstract

The diploma thesis is focused on the historical development and the basics of current legal regulation of participation in the Czech Republic. The thesis also briefly devotes to the legal regulation of participation in Italy. Participation is undoubtedly one of the most problematic elements of the criminal law. However, it is an indispensable part of it and without which it would be impossible to fulfil the main purpose of criminal law - the protection of society. Despite the abovementioned, it is not paid sufficient attention to participation by the legislature neither by the legal community.

The purpose of the thesis is to provide the reader a comprehensive knowledge of participation in the narrow sense, including the criticism of the most problematic aspects of the current legal regulation. It focuses mainly on the conditions of criminal liability and the basic characteristics of the individual forms of participation in the narrower sense in Czech and Italian legal regulations. This thesis compares and evaluates mentioned institutes. Points problematic aspects out and introduces possible solutions of future legal regulations. The aim of the diploma thesis was achieved by analysis of legal literature, case law and relevant legislations.

The diploma thesis is divided into six chapters. The first chapter introduces the reader to the genesis of the institute of participation in our country from the time of the tribal society to the end of the year 2009. Emphasises key moments that have significantly influenced the development of the institute and accentuates the importance of individual criminal codes.

The second chapter deals with the general characteristics of perpetration. Defines the term perpetrator, complice and indirect perpetrator. It compares forms of perpetration and pays special attention to their differentiation. It also points to differences between perpetration and participation.

The third chapter attends to the basic characteristics of criminal cooperation and describes two fundamental conception of perpetration and participation - the monistic and dualistic system.

The fourth chapter makes readers acquainted with the current legal regulation of participation in the Czech Republic. First, defines the conditions of criminal liability and the accessory. Afterwards, it focuses on describing particular forms of participation in the narrower sense – commanding, instigating and aiding. In conclusion, it deals with the punishment and the extinction of punish ability of participation.

The fifth chapter gives reader insight into basics of legal regulation of participation in Italy. The main part of the chapter is devoted to the analysis of the relevant provisions of Italian Criminal Code. The last part compares Italian and Czech legal regulation of participation.

The sixth and last chapter, represents the assessment of the current legal regulation of participation and its criticism. It also deals with the *de lege ferenda* considerations about the possible future heading of the legal regulation of participation in the Czech Republic.