

High Treason and Treason against the Homeland in the History of Czech Law

Key words

High Treason, Treason, History

Abstract

The diploma thesis “High Treason and Treason against the Homeland in the History of Czech Law” deals with two constitutional and criminal law institutes, which seem similar at first glance. These notions have appeared relatively abundantly in the history of Czech law and their meaning and definition have undergone several significant changes. Hence, the objective of this study is to provide, *inter alia*, a sufficiently detailed description of the historical development of both institutes in these intertwined branches of law. The descriptive historical part constitutes the basis for the second comprehensive part, a legal comparison between high treason and treason against the homeland either in each of the relevant branches or across them. The final chapter of the thesis, which is based on current knowledge, makes a comparison between these notions in the present Czech and Austrian law.

The factors relevant for the first of the objectives of this diploma thesis – a historical description of high treason and treason against the homeland – are historical events and the related laws, as well as the changing political culture or the demand of those in power for the enactment of legal instruments serving to suppress the opposition. Individual chapters dealing with the past, as well as those analysing the present laws, describe all key facts relating to the topic of the thesis and analyse in their context individual treacherous acts and the laws applicable at the time in which they occurred. The key factors for making a legal comparison between both institutes in a single or across more legal systems are the common or different characteristics of the legal systems, laws or legal provisions. Hence, to fulfil the second objective, the diploma thesis compares grammatical particulars of the laws, the construction of individual components of the legal standards, *res gestae* defined in the legal provisions, protected objects of criminal offences, categories of addressees of individual standards, etc.

With regard to the described facts and conclusions inferred from the descriptive part of the diploma thesis and to the outcomes of the legal comparison made on their basis, the diploma thesis provides a comprehensive picture of the high treason and treason against the homeland

in the history of Czech law, both from the perspective of a legal historian and from a student of contemporary criminal and constitutional law.