

The Indirect Perpetration

Abstract

Institute of indirect perpetration is one of the most important institutes of criminal law. This diploma thesis aims to describe the institute of indirect perpetration, analyze its particular forms, analyze more deeply its selected problematic aspects and based on this provide authentic evaluation and propose changes *de lege ferenda*.

The thesis is divided into 4 chapters. The first chapter explains the term of indirect perpetration and its conditions in general. The legally taxative enumerated forms of indirect perpetration are analyzed one by one together with their corresponding examples.

The second chapter studies the history of the institute in our country. The subchapters contain legal regulation of the institute in particular criminal codes effective in Czech countries and opinions of selected historical authors about given problematic, all this since the times of Austrian criminal code from 1852 to currently effective criminal code from 2009.

The third chapter discusses selected aspects of the Institute of indirect perpetration. The problematic of personally committed and special criminal offenses, omissive and negligence criminal offenses, indirect perpetration committed using *vis absoluta* and finally indirect perpetration in relation to participation is discussed.

In the fifth chapter, the Institute of indirect perpetration in the German law is described. The most common forms of indirect perpetration are listed, the so-called Perpetrator behind perpetrator (*Täter hinter dem Täter*) situation is analyzed, where the criminally liable indirect perpetrator stands behind a criminally liable living instrument. Next, a comparison of the Czech and German legislation of indirect perpetration is discussed.

In conclusion, the main findings and ideas of the thesis are summarized. There is also a short evaluation of the current legislation of indirect perpetration and a proposal of possible changes *de lege ferenda*.

Keywords

indirect perpetrator, living instrument, participation