

Abstract

The main subject of this Master's thesis is the analysis of the principle of subsidiarity of criminal repression in the Czech legal order, both in historical context and the context of current legislation. This work is analysing the principle of subsidiarity of criminal repression with its relating principle 'ultima ratio' and its concept in the Czech, or more like Czechoslovakian criminal substantive law since the first half of the twentieth century till today. The principle is defined both in theoretical legal terms and the practical legal terms in the context of the Czech higher court case law analysis.

In the first chapter of the presented work, the author is discussing the historical point of view at already mentioned principle which is described in more of a detail as it comes to its criminal law codexes accepted in the years 1950 and 1961. This chapter is meant to highlight the fact that a criminal act itself in this period of time - obviously taken the differences in the political arrangements of Czechoslovakia - was treated differently than it would be today, which decreased the legal reassurance of Czechoslovakians, who were 'looked after' mostly by the institute of former so-called social endangerment. It is also important to mention that this period of time used to deal with an intrusion in a separation of powers.

In each chapter, we will be focusing on different ways of seeing the principle of subsidiarity of criminal repression, this principle is defined primarily in terms of today's penal science and legislation, which is being applied today. First, we are looking at the principle itself with its actual meaning, later we are getting to the Czech general law adjustment of the criminal substantive law, juvenile court and the legal liability of a legal entity whilst analysing in detail the concept of the principle of subsidiarity of criminal repression.

The final chapter of this work is discussing the most crucial verdicts of the Czech higher courts, specifically the case law of the Highest and Constitutional court.