

Abstract

This thesis concerns the topic of exceeding the limits of self-defence and necessity and related legal consequences. Although the concepts of self-defence and necessity exist also in other legal branches, this thesis is focused primarily on criminal law. The aim is to define the concept of excess of the limits of self-defence and necessity, including the individual types of excess, and to provide a comprehensive overview of both general and special legal consequences that can arise in case of an excess. Furthermore, this thesis strives to answer the question whether the current Criminal Code allows for all the specific circumstances of cases in which the defendant fulfils an offence definition while exceeding the limits of self-defence or necessity to be duly taken into account.

First, this thesis deals generally with the topic of defences and the concept of self-defence and necessity and then analyses in detail the limits and conditions of these concepts as this matter is closely connected with the topic of excess. The crucial parts of the thesis are part three and four. The third part focuses on defining the concept of excess and its characteristics, analysing the fault element of an excess and describing the individual types of excess of self-defence and necessity limits. The fourth part deals first with general legal consequences of an excess, including the conditions of criminal liability for such conduct, and subsequently focuses on special legal consequences, analysing the conditions of their application and evaluating their applicability in the cases of an excess. This part also comprises a chapter on legal consequences of putative self-defence and putative necessity. The following part focuses on the concept of self-defence and necessity and special legal consequences related to exceeding their limits in German criminal law and concludes with a comparison of Czech and German legal regulation. The final part of this thesis consists of evaluation of the current legislation based on the acquired knowledge, and proposals *de lege ferenda* for possible amendments to the Criminal Code, namely introducing excusatory necessity and excusatory self-defence-excess, which would both lead to excluding criminal liability for such excusable cases of exceeding the limits.