

Circumstances excluding Criminal Liability with a focus on the Impunity of the Agent

Abstract

The Thesis addresses Circumstances excluding Criminal Liability with a focus on the Impunity of the Agent. The aim of the Thesis was to evaluate current Legislation and to define the limits of Circumstances excluding Criminal Liability Excesses. The next objective was to determine the appropriateness of the Impunity of the Agent and its legislation.

The Thesis firstly analyzed the historical legal developments of Circumstances excluding Criminal Liability in Czech countries in order to attain the above mentioned objectives. The historical development is followed by the discussion of the Circumstances excluding Criminal Liability, their general legislation and theoretical foundations, the reasons for adopting their legislation, also the errors of law and of fact.

Next chapters are devoted to specific Circumstances of excluding Criminal Liability, starting from the Necessity, Self – Defence, Consent, Permissible Risk and Lawful use of Firearms. The Circumstances excluding Criminal Liability were analyzed in their statutory legislation by using Academic Literature and mainly the case – law, which clarified some vague rules and limits of the Circumstances excluding Criminal Liability.

The third part of the Thesis addresses the legal institute of the Impunity of the Agent and its legislation in Czech Criminal law and about its reasons for the implementation of the Impunity of the Agent given the requirements to uncover the Organized Crime. In the context of previous statements the Thesis also analyzed the procedural conditions of the Impunity of the Agent in accordance to Penal Code. Next chapter is about the differences between the Agents Controller and Agents Provocateurs including the case – law about police provocation and reasons for its inadmissibility in the Czech republic.

The last part of the Thesis is focused on the Questionnaires about the Impunity of the Agent which were directed to the Courts in the Czech republic. The author was able to process a short annotation through questionnaires replies. Last chapter is about the comparison between Czech and Slovak legal institute of the Impunity of the Agent.