

Abstract

This rigorous thesis deals with the topic of self-defence and exigency, which belong to circumstances precluding wrongfulness, and the exceeding of their limits. The consequence of the circumstances precluding wrongfulness is the fact that no criminal offence is committed and the criminal liability of the offender does not occur at all. Legal usage of these criminal law institutes needs to follow certain limits, which the Criminal Code provides for the individual circumstances precluding wrongfulness to prevent from any misuse of these circumstances. The criminal liability of the offender depends on compliance with these limits.

The main aim of my thesis is to introduce the comprehensive legislation of self-defence and exigency, focusing on their limits and exceeding of these limits, to assess the positives and negatives accompanying current legislation, and to point out the specifics, imperfections and ambiguities of interpretation of current legislation, also in the light of the case law.

The thesis is structured into the accompanying four parts. The opening part is concerned with circumstances precluding wrongfulness in broader context, I provide their basic definition, explain their main purpose, point out their importance in our criminal law, mention their procedural consequences and briefly present the characteristics of the individual circumstances precluding wrongfulness. The major parts of this thesis are the second and the third, where I discuss the most common and familiar circumstances precluding wrongfulness (self-defence and exigency). In the individual chapters and subchapters of the second and the third part I introduce the characteristics of self-defence and exigency and their historical development and discuss their current legislation, followed by an analysis of their limits and exceeding of these limits in the light of case law and theory. I provide a critical assessment and point out the specifics, imperfections and ambiguities of interpretation of current legislation of these limits of self-defence and exigency and exceeding these limits. On the basis of all this I have tried to outline possible changes. *De lege ferenda* considerations are analyzed in detail in individual chapters and summarized at conclusion of this thesis. Conclusion of this thesis also contains a review of the current legislative proposals. The thesis concludes with the fourth part, in which I discuss the criminal consequences of exceeding of the self-defence and the exigency statutory limits.