

Participation

Abstract

The aim of this diploma thesis is especially to identify the advantages and disadvantages of individual approaches to regulation of participation, to set out the main attributes of participation in the Czech criminal law, including its main deficiencies, and to present possible inspiring solutions for their elimination by presenting a different model of regulation abroad. Participation as one of the forms of criminal collaboration is approached slightly differently by each legislation. However, the legislations usually agree that the participant's actions must be punished in a certain way. Although the participant does not partake in the fulfillment of the constituent elements of the crime by its own actions, its influence on the crime itself may be significant. The reason for choosing this topic is mainly the still unresolved situation regarding the institute of participation in the Czech Criminal Code and a large amount of criticism of the current regulation. Although the Criminal Code was newly adopted in 2009 and the possibility of correcting the deficiencies of the participation was obvious, professional discussions did not take place, and in the end a regulation that to a certain extent copied the previous criticized one, was adopted. In addition to the introduction and conclusion, the work is divided into four chapters. The first of them contains mainly the definition of the very concept of participation and its theoretical division in order to understand the basic premises in the following chapters. The second chapter deals with the basic approaches to the legal regulation of participation, which are the unitary and the differentiated approach. The third chapter contains the Czech criminal law both *de lege lata* and *de lege ferenda*. The fourth and last chapter deals with the legal regulation of participation in the Federal Republic of Germany in the light of previous chapters. It presents the basic attributes of this regulation and compares it with the Czech one. The reason for picking out the German legislation for comparison with the Czech legislation is, on one hand, a similar view of the institute of participation, on the other hand, a substantial difference in the detailed performance. Some shortcomings of the Czech criminal law are not included in the German law and can therefore be considered to some extent as a certain inspiring model for the Czech law *de lege ferenda*.