Abstract

The focus of the thesis is set on the controversial issues connected with a legal institute of Czech criminal law called „self-defence“, and how these controversial issues were dealt with within judicial practice. The first chapter serves as an introduction to the whole topic. The second chapter describes the concept of self-defence, as well as its prerequisites. The self-defence was classed into the system of criminal law. The goal of the third chapter is to define preconditions which are necessary in connection with application of the self-defence institute. The main parts of this chapter describe firstly attacking, first of all and secondly defence. Subsections of this chapter analyse the term of attacking itself, the attacker and his characteristics, the term of harmfulness of such attacks towards society. As for the second part of the third chapter it focuses on the defence itself, its proportionality etc. The fourth chapter is about the role of judicial practice within the context of Czech legal system. This chapter serves as a relevant contribution to the main part of the thesis, which is chapter five. Chapter five introduces specific cases, especially those which were at some point controversial. The specific case is briefly described and the controversial issue is named and further examined. Every chosen case is concluded with a description of approaches of involved courts and their rulings. The specific controversial issues which were reviewed in the thesis are these: (i) subsidiarity and self-defence, (ii) putative self-defence, (iii) weapon used in self-defence, (iv) self-defence against attacks oriented towards the physical integrity of another person, (v) self-defence against attack of officials and (vi) self-defence in connection with a different outcome of defence that is intended.