

Abstract

Criminal defences in Czech and Irish criminal law

This thesis deals with the analysis of individual elements of criminal defences under the Czech and Irish criminal legal statutes with respect to the conclusions, which are therefrom drawn in theory and practice. The aim of this thesis is to render an overview concerning the distinctions and similarities in understanding, importance and operating of the defences in different law systems, rather than to present an exhaustive commentary on all legal institutes which exclude illegality and as such come into mind.

Regarding the fact that Czech and Irish systems of law are subsumed under different legal systems, particular institutes of criminal defences cannot be based on the same rules, principles and theoretical grounds. It shall be noted, that while Czech criminal law is mainly to be found in a single piece of legislation known as the Criminal Law Act, Irish criminal law on the other hand not only has a separate statutory legislation, but also mainly depends on common law.

The subject has been processed under consideration of the present-day legal regulation, whereas particular legal institutes are structured in compliance with the structure of the Czech Criminal Law Act. The topics of origin and development of defences has intentionally not been discussed. In order to achieve clarity the thesis is composed of eight main chapters. The opening part is devoted to different types of legal systems and its sources. The second part outlines individual elements of a crime and deals with the interpretation of the term criminal defence under the Czech and Irish law. The main focus of the thesis consists in the legal institutes of necessity and legitimate defence, as the most general defences, that can be found in both law systems and are described in the part three to the part six. The seventh chapter deals with other criminal defences, that are explicitly stated in the Czech Criminal Law Act, but also with other criminal defences not explicitly listed. The last chapter describes not only the criminal institutes that exclude illegality, but also such institutes, that only reduces the conviction under the Irish criminal law.