

Resumé

Controversial Issues of Necessary Defense in the Judicial Practice

The purpose of my thesis is to analyze some potential problems in the case law of necessary defence. Studying the judicature always helps the lawyers to understand better the subject, because in a particular case, the law is used “in action” and explained by the judges.

The thesis is composed of five chapters, each of them dealing with different aspects of criminal law or more precisely of necessary defence case law.

Chapters One to Three introduce and describe the basics of czech criminal law, the intent of criminal law and criminal liability. Which are the ground topics of defence law.

Chapter Four is the main chapter of the thesis and deals with defences – necessity and necessary defence. Chapter Four is divided into two subchapters. The first of them deals, as said before, with necessity. The second one with necessary defence and is itself divided into nine parts.

Part One deals with the historically development of necessary defence and shortly introduces four (more precisely only three) different versions of those past and present legal forms. Parts Two to Seven examine the basic parts of necessary defence, those are: subsidiarity, attack, adequacy, excess from necessary defence, weapon use in necessary defence and finally handling in affect. Part Nine is a short list of some cases, where the defendant tried to plea with necessary defence, even though when clearly without title to do so. The last part provides a brief study of the language analysis of the term “necessary” in necessary defence.

As named above, that was the main part of the thesis. The following chapters contain formal requirements of a thesis, that is the czech resumé, the list of short-forms used, the list of sources, this resumé and key words.