Summary

The topic of this diploma thesis is the concept and legal consequences of excessive self–defence and necessity. The aim of the thesis is to introduce and describe the conditions of using these defences and to focus on issues of case law in connection with them. Criminal law is an essential part of everyday life. This diploma thesis focuses on analysis of all conditions imposed by Czech legislation as well as Irish legislation. It is composed of seven chapters and each chapter deals with different issues.

The first chapter is an introduction to the whole thesis: it sets out aims and the methods used for achieving them. The second chapter deals with the definition of the concept of justification with the basic features of these circumstances and highlights the basic foundations for behaviour under self-defence or necessity. The third chapter is fully devoted to regulation of necessity, focusing on its basic conditions. Each condition is explained and described separately with references to the case law. One part of this chapter deals with the excess in behaviour under necessity and the following solutions in criminal trial. The fourth chapter deals with the concept of self–defence in the Czech Republic, defining it and analysing its basic conditions. Examples from the case are discussed and analysed in each condition separately and in their mutual relations. The structure of this chapter is similar to the previous chapter; one part also deals with the possible excessive behaviour in connection with the conditions of self–defence in both ways – in intensity of defence and in time limits.

The fifth chapter analyses the most significant differences between Irish and Czech law in general with regard to the exchange studies of the author of the thesis in Ireland. It also compares the basic features of different legal systems. In the sixth chapter cases related to necessity and also duress are analysed. The penultimate chapter is concerned with self-defence under Irish law, focusing inter alia on the specific provisions protecting homes.

The last chapter covers the final comparison of the two institutes on the basis of Czech and Irish law.

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