

## **ABSTRACT**

This Master's degree thesis deals with the problematics of the military criminal law in the Czechoslovak Republic between 1918 and 1938. I have chosen this theme for several reasons. First of these reasons is, that this subject mingles two legal disciplines – legal history and criminal law. Concurrently it is a topic, that has not yet been widely written up. The reason is that in both law disciplines combined in the theme of interwar criminal law, it is a marginal area of interest. Existing works in most cases focus only on a constituent parts of the problematics. In the second group of works the topic was chosen too widely and the character of resulting outputs was enumeratives, without providing context. The purpose of this thesis is to provide a global view on the matter of our military criminal law in the beginning of 20<sup>th</sup> century and within this view then further focus on its dominant elements.

The work is based mainly on the legislation effective in the given period, and the commented wordings. Another valuable source for the elaboration of the thesis were historical publications, although recent papers were not excluded. On several occasions the work marginally mentions the comparison with the interwar general criminal law. In the topics of the military criminal law, whose legislation or conception has been altered to the present time, there is included a comparison to the current legislation.

In the introduction of the first chapter it explains the origin and evolution of the military criminal law in our territory, and its sources. The next subsection relates to the reception of legislation and the subsequent efforts of the recodification, mainly focusing on civil and military criminal law. This section also describes the attitude of the contemporary jurisprudence on the military criminal law. The first chapter then concludes with the prospects on the further evolution of the military criminal law over the next historical stages.

The second chapter is a fundamental section of the work. This part describes the Military Penal Code. The first subchapter analyses the general section of the Military Penal Code. The special section of the code is divided in four subchapters, where the largest part is devoted to the military crimes and military torts.

The third chapter presents at the Military Criminal Procedure. It discusses in detail the military judicial system, the position of parties to a criminal proceedings and its special types – martial law and field trial.

The fourth chapter provides selected statistics on committed crimes, sentencing and functioning of military justice in the period of the First Czechoslovak Republic.