

Abstract in English

The submitted rigorosum thesis comprehensively discusses one of the fundamental principles of criminal law - the principle of subsidiarity of criminal repression, a plane in doctrinal, legislative, judicial and comparative.

The thesis is divided into nine chapters (including introduction and conclusion). The introduction is followed by the second chapter, which deals with the central concept of constitutional theory - a democratic legal state and its attributes. In this part are mentioned principles of law and the rule of law, to a lesser extent, they are then represented the principles of a democratic state.

The third chapter is made of a treatise on the fundamental principles of substantive criminal law. First is the legal-theory, explained the concept of principle (principle), formulated relationship between basic principles and functions of substantive criminal law, indicated grading system of fundamental principles and in this context it briefly discussed the basic principles, which are both constitutionally subject (the principle of legal certainty , the principle of humanism, the principle of proportionality, the principle of individual responsibility towards the whole, nullum crimen sine lege) secondly, they are regulated at the level of ordinary law (principle of individual responsibility of individuals and the principle of simultaneous and independent corporate criminal liability, the principle of liability for fault, the principle of transfer of criminal responsibility the legal successor).

After these two chapters introdukčních already proceeded to the principle of subsidiarity of criminal repression. The fourth chapter outlined the historical development of this principle in the works of Czech theorists (Prušák, Kallab, Milota, Miříčka, Olšar, Solnař).

The fifth chapter completely devoted to the conceptual definition of the principle of subsidiarity of criminal repression, which is gradually being discussed this principle as an obligation for the legislator liability for its application, session of the fundamental principles of substantive criminal law, the principle of "ultima ratio" and the concept of crime.

The subject of the sixth chapter is a normative anchor the principle of subsidiarity of criminal repression, with particular attention being paid to legislative developments after 1989 (up to the adoption of the new Criminal Code) and normative anchoring itself and the concrete manifestations of this principle in this Code are also discussed procedural context. The seventh chapter is devoted sufficient attention to the decision of the Constitutional Court

and the Supreme Court. In chapter eight totality of events made abroad (Slovakia, Germany and England).