

## **Abstract**

The topic of this diploma thesis is allowable risk and its impact as a potential circumstance excluding liability. Czech law system takes into account tolerable risk as a circumstance excluding liability which this thesis is substantially focused on.

At the beginning of the thesis circumstances excluding liability are defined in order to compare specifics of the tolerable risk institute. Briefly it analyzes some basic criminal law questions related to the thesis subject including concept of crime or errors in circumstances excluding liability. Next chapters deal with legal and general definition of tolerable risk and historical development of this issue in our law environment, including work of August Miřička, probably the first Czech lawyer addressing this issue. Further questions are suggested in these chapters. These questions are derived from legal status of tolerable risk and are thoroughly discussed in separate chapters for each sector.

Legislator did not restrict sectors of usage explicitly. If conditions stated in the criminal code are fulfilled, tolerable risk can be always used. Although the thesis focuses on sectors in which risk has been proven usable, potential list of fields of application is not totally exhausting. I also evaluate suitability of the definition of tolerable risk in different sectors. My thesis contains chapters about health, sport and economy. In these, positive and negative law conditions, which necessarily have to be fulfilled, are confronted. I also write about possibilities in using tolerable risk in healthcare and health science in specific subchapters. Concerning the sport field, the thesis content is not limited to the tolerable risk issue only but moreover it provides context to other theories of circumstances excluding liability in sport.

It can be concluded that the tolerable risk is generally beneficial and relatively modern institute with great perspective. Its usage can be very valuable and effective in a field of science. In our law environment, it became successfully utilized especially in health care issues.