

## Abstract

This thesis aims to define the differences between the concept of self-defense under the criminal law of the Czech Republic and the United States of America, to assess their practical implications and propose possible recommendations *de lege ferenda* for the Czech legislation. Within the United States, the thesis further distinguishes between the concept of self-defense under the common law and the so-called Model Criminal Code, which together with the common law represents one of the most important sources of US criminal law.

The thesis first compares the differences between the Continental and Anglo-American legal system, from which the respective national legal systems derive. Next part of the thesis further characterizes the Czech and American legal system, especially with regard to the status of criminal law and the role of jurisprudence within it. Particular attention is paid to the division of US legal system into federal and state, and the related issues of the organization of the judiciary and the system of precedents between various judicial bodies. This part then further introduces the aforementioned Model Criminal Code, which presents a compilation of the views of high-profile experts in the field of criminal law regarding the ideal form of criminal substantive law in the United States.

Subsequently, the thesis focuses on the issue of defenses within the respective jurisdictions, their characteristics, classification, and the related concept of a criminal offense and mistake-of-fact claims.

The thesis then analyzes various concepts of self-defense under the above-mentioned jurisdictions by addressing each and every constituent element of self-defense provided by the criminal law of these countries. Under the common law, these consist of: non-aggressor, use of force, reasonable belief, necessity, immediacy and unlawful use of force by another. Similarly, under the Model Penal Code, these are: the use of force, belief, necessity, and unlawful use of force by another. In terms of Czech criminal law: imminent or ongoing attack, a threat to the interest protected by the Criminal Code and proportionality.

Based on this analysis, the thesis then defines the most important differences between the concepts of self-defense under the above-mentioned jurisdictions and propose possible recommendations *de lege ferenda* to the Czech legislation.