

Relation between Administrative and Criminal Offenses

Abstract

This thesis deals with the analysis of the relation between two public offenses; administrative offenses as delicts of administrative law to criminal offenses as delicts of criminal law.

The thesis introduces the historical development in the Czech lands, illustrating the origin of the division of offenses of public law and its gradual transformation over time. The chapter on history concludes with the description of the models of relation between administrative and criminal offenses which have arisen in civil law over the course of history. It is followed by an analysis of the conceptual features of offenses *de lege lata*, in which the definition of an administrative offense is compared to the definition of a crime.

The main topic of the thesis is the boundary between administrative offenses and criminal offenses, which compares the current legal regulation with the theoretical basis and further analyses the aspects of the division of public-law offenses with the indication of alternative possibilities of this division. The thesis also looks at criminal records and the influence of European Union law in determining the boundary between offenses and crimes.

Furthermore, the thesis deals with the comparison of administrative and criminal liability, especially in terms of their common and different functions. The concurrence of the offense and the crime, i.e. its admissibility in terms of the applicable law and the case law of the European Court of Human Rights and Czech national courts.

The issue of decriminalisation of crimes forms a separate chapter with concrete examples of crimes, about which social discussion is in progress in connection with the possible change in their legal classification. The thesis concludes with a chapter devoted to international comparison with selected European legal orders.

Key words: administrative offence, criminal offence, decriminalisation