

Tolerable risk in criminal law

Abstract

This rigorous thesis focuses on an issue of tolerable risk in criminal law. The institute of tolerable risk in criminal is one of the most recent circumstances excluding illegality, which are defined in the Czech Criminal Code. Until its legal definition in the Criminal Code, the tolerable risk was inferred only by legal theory and practice. The tolerable risk is now embedded in the provisions of Section 31 of the Criminal Code.

Tolerable risk is an effective tool for conducting research, for experimenting in science and it can be also applied in medicine, business and sport. It is crucial for the institute of tolerable risk to set boundaries, because an overly liberal approach to defining limits of tolerable risk can lead to a gambling and reckless conduct of individuals. On the other hand, too restrictive definition of tolerable risk limits can restrain the scientific and technological progress and individual creativity in general.

This thesis performs an analysis of the institute of tolerable risk in criminal law. Primarily, it deals with the system of circumstances precluding illegality and provides a brief list and description of other circumstances precluding illegality. In the following chapters, it discusses the historical development of acceptable risk in the Czech criminal law and submits the current Czech regulation of the institute of tolerable risk contained in the Criminal Code to a comparison with the Slovak and the Polish criminal law.

The focus of the presented thesis lies in the chapters describing the tolerable risk in terms of its concept, conditions and limits, where considerable attention is paid to exceeding the conditions and limits of tolerable risk. The final part of the whole thesis then presents an interesting digression of tolerable risk in

sport, or rather an athlete's responsibility for injuries with an emphasis on the circumstances precluding the illegality of athletes' actions.

Keywords

Criminal Law; Tolerable Risk; Circumstances excluding illegality