

Abstract

The essay is taking through the current problems with the time applicability of the criminal (penal) law in the Czech republic, especially with the view of new Criminal Code no. 40/2009, which has taken place on 1st January 2010 (but the new Criminal Code was in progress for several years).

The theoretical part of the essay is about the basic questions of the criminal (penal) law's time applicability, the sources of the law (both national and international) from the past and present, also the basic theoretical insights into the time applicability and finally its current adaptation in the Czech law system and the changes brought by the new Criminal Code.

The most significant and serious change in the Criminal Code regarding to the time applicability is to be able to establish the exact time of the criminal act. The previous absence of this adjustment in the Criminal Code no. 140/1960 have caused disagreements between the theory and the judicature, whether the actual time of the criminal act is once the crime has been accomplished or when the criminal act have been committed. The new Criminal Code have uniquely determined this to be once the criminal act has been committed which means no future disagreements with that issues.

The practical part of the essay is describing and dealing with problems immediately concerned with the time applicability of the new Criminal Code. It is the mainly regarding so-called „expirable“ criminal acts: the acts that are subsiding after the new Criminal Code have taken place, but despite of this they are during *vacatio legis* of the new Criminal Code still prosecuted, the author does not believe this to be the right solution, and therefore delivers the listings of the Police, Prosecution and Court's approaches to this dilemma, judging them but at the same time is offering future solutions, all this with particular reference to the offence of driving without a licence (a typical example of that „expirable“ criminal acts).

The author is also briefly covering other problems related to the time applicability of the new Criminal Code in practice: commutation under the minimum sentence, the question of limitation the criminal liability and the others.