

Abstract

This thesis deals with the necessity and self-defense under the laws of the Czech Republic and their equivalents in the common law. The aim of the thesis is to introduce and describe each institute – necessity, self-defence, duress by threats, duress of circumstance and lawful use of force and their conditions for application. This paper also focuses to decisions of Czech, Irish, English and another courts which modified interpretation of mentioned institutes. The thesis analyses and compares conditions of Czech law and common law, which is represented mainly by Irish law.

Introduction of thesis forms first chapter, it sets out aims and the methods used for achieving them. Second chapter presents general introduction where it is described differences of civil law and common law.

Third chapter is divided into three subchapters and focuses on the position of necessity and self-defence in national law. This chapter theoretically analyses the position of institutes in justification in the context of national adaptation and describes their basic features.

The fourth chapter deals with legal regulation of the necessity and its equivalents in the common law. Individual conditions are explained and presented on individual judicial decisions. Part of this chapter is even an analysis of possible excess from given conditions of the necessity and its solution from the criminal point of view. The fifth chapter focuses on the term of self-defence first in the Czech Republic then in Ireland and England. In each subchapter, basic conditions of self-defence under national laws are defined. Case law is also analysed with respect to each condition individually and in context. Within analysing the requirements of self-defence, one part deals with possible excess from the condition of acting.

The last chapter concerns comparison of the analysed institutes within the limits of different legal system. The background for this comparison is in particular Czech and Irish regulation.

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