

Summary

Contentious issues of self-defence in Czech case law

This thesis is focused on legal institute self-defence (in Czech law is used term necessity defence) in Czech case law. It deals with theoretical problems and contemporary legislation as well, but the most important part is (according to the name of this thesis) focused on judicial practice. The purpose of this thesis is to present some controversial issues of self-defence and analyze judicial practice that deals with those issues. Nevertheless, at the end one issue that the Czech courts have not ruled on yet is also mentioned.

This thesis is composed of five chapters. The first one presents the purpose of this thesis and introduces the necessity of judicial practice for controversial issues of self-defence.

The second chapter introduces self-defence as a fundamental element of any democratic state. Subchapter 2.2 deals with some main principles of Czech criminal law and presents how they demonstrate themselves in self-defence. The next subchapter 2.3 focuses on benefits that self-defence brings to contemporary democratic society.

The third chapter concerns with the current wording of self-defence in Criminal Code. The most important terminology is introduced. Subchapter 3.4 deals with mistake in circumstances excluding criminal liability, 3.5 deals with crossing law approved boundaries of the defence, also called excesses. The last subchapter 3.5 reminds other statutes, that also contain the institute of self-defence.

The fourth chapter is the essential part of this thesis. It is composed of ten subchapters and each of them is focused on one of the contentious issue: 4.1

the difference between self-defence in criminal and administrative law, 4.2 the subsidiarity of self-defence, 4.3 the proportionality of self-defence, 4.4 the armed self-defence, 4.5 the form of culpability in self-defence 4.6 self-defence and protection of property , 4.7 self-defence against public officials 4.8 the detention of passenger by ticket inspectors, 4.9 automatic defense systems, 4.10 attacks of criminally unliable persons.

The final fifth chapter contains conclusions and closes the thesis.