

## **Abstract**

The subject of this master's thesis is the principle of subsidiarity of criminal repression, which is one of the most important principles of substantive criminal law. According to this principle, the means of criminal law can only be applied to cases that reach the required level of social harm, and at the same time, in these cases, the application of liability under another legal enactment is sufficient. The thesis is divided into three chapters, which are subdivided into subsections. In the first chapter, the basic principles of substantive criminal law and their possible relationship to the principle of subsidiarity of criminal repression are discussed in more detail. This part is followed by a definition of the concept of subsidiarity of criminal repression. The concept of *ultima ratio* is inextricably linked to the principle of subsidiarity of criminal repression. For this reason, a separate subsection is devoted to their mutual relationship within the first chapter of the thesis. As part of the thesis, attention is also paid to the relationship between criminal liability and liability under private and administrative law.

The provision of the Criminal Code containing the principle of subsidiarity of criminal repression raises questions about its significance for the application of criminal liability. These questions are discussed in more detail in the subsections devoted to the concept of a criminal act, social harm, and the concept of the principle of subsidiarity of criminal repression *de lege lata*. Attention was also paid to previous legislation and a historical perspective on the application of criminal liability.

At the same time, the text of the thesis contains an analysis of the ways in which the principle of subsidiarity of criminal repression is used in various provisions of the general and special parts of the Criminal Code and in the provisions of the Juvenile Justice Act. Attention was also paid to the procedural correction of criminal injustice.

The final chapter of this thesis is devoted to the analysis of the most fundamental recent decisions of the Supreme Court and the decisions of the Constitutional Court.

**Key words:** subsidiarity of criminal repression, *ultima ratio*, social harmfulness, the concept of a crime