

Crime in time of emergency

Abstract

The subject of this thesis is crime in times of states of emergency declared during the 21st century. The aim of the thesis was to identify the relationship between crime and states of emergency, to present the states of emergency declared in the 21st century and to show their role in the criminal code along with their use in judicial practice.

The states of emergency that have been declared can be divided into two categories, namely states of emergency due to natural disasters and states of emergency during the pandemic of the COVID-19 disease. The thesis describes the states of emergency in 2002, 2006 and 2013 that had floods as a cause, the state of emergency during Hurricane Kyrill in 2007 and the states of emergency that were declared in 2020 and 2021 during the pandemic of the COVID-19 disease.

The paper also focuses on crime outside of emergencies and there is a comparison with crime during emergencies. Based on police statistics, the evolution of registered crime between 2011 and 2021 is analysed. Subsequently, the focus is on registered crime during times of natural disasters and then during the COVID-19 pandemic.

In the Criminal Code, the state of emergency is already found in the three basic facts of criminal offences, and it also occurs as a generally aggravating circumstance and a particularly aggravating circumstance. As a particularly aggravating circumstance, it is mentioned as a feature of the qualified offence in 9 offences. The greatest split in judicial practice has been in the assessment of the crime of theft, which is the focus of the thesis.

The split in judicial practice was caused by a different approach to assessing whether the circumstance conditioning a higher criminal rate in the form of a threatening event had been fulfilled. Some courts were satisfied with only temporal and local jurisdiction, while others considered the substantive jurisdiction of the offence to be important. It was not until the Grand Chamber of the Criminal Division of the Supreme Court that unification occurred. The thesis describes the courts' approaches, their different views on the need for context and the subsequent unification of case law.

In conclusion, the author of the thesis assesses whether the courts could have approached the whole situation differently and possibly changed their actions, offering in particular the use of

subsidiarity of criminal repression or extraordinary reduction of imprisonment, where they could have avoided disproportionately high sentences.